



Journal of the Senate

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CALL TO ORDER

The Senate was called to order by President Pruitt at 10:00 a.m. A quorum present—37:

Mr. President	Fasano	Oelrich
Aronberg	Gaetz	Peadar
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Margolis	

Excused: Senator Alexander; Conferees periodically for the purpose of working on the appropriations bills

PRAYER

The following prayer was offered by the Rev. Matthew M. Carter II, Pastor, Beulah Hill Missionary Baptist Church, Gretna:

O Mighty God, our creator and sustainer, we pray that we may hold our liberty in high esteem, because you have truly blessed America, and our great State of Florida.

We pray for our leaders that you would give them wisdom, as they deliberate and make laws that will inspire, motivate and care for the citizens of our state.

Our leaders here today are our friends, neighbors and family who have this wonderful privilege to serve. Inspire all of our people to hold sacred this glorious heritage we call freedom.

Keep us from strife, and may we live together in unity. Bless this honorable chamber's presiding officer, and all other members and leaders of our state. Bless them with your wisdom, strength and character. Be with all those who are in power. Thank you for blessing us to live in this paradise we call Florida.

May God bless Florida, and may God bless America. Amen.

PLEDGE

Senate Pages Erin N. Riley of Sopchoppy, daughter of Carrie Riley, Senate Bill Drafting; Christopher Butler of Deerfield; Stephen A. Davis of Tallahassee; and Bryan Young of Boys Ranch, led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Robert Brooks of Tallahassee, sponsored by Senator Posey, as doctor of the day. Dr. Brooks specializes in Infectious Diseases.

ADOPTION OF RESOLUTIONS

At the request of Senator Rich—

By Senator Rich—

SR 2978—A resolution recognizing January 2009 as “Cervical Cancer Awareness Month.”

WHEREAS, cervical cancer is the second most common cancer diagnosed in women worldwide, and

WHEREAS, Florida ranks fourth in the nation for the highest numbers of new cervical cancer cases, and

WHEREAS, the American Cancer Society estimates that 770 new cases of cervical cancer in Florida will be diagnosed during the year 2008, and

WHEREAS, the incidence of and mortality from cervical cancer has been greatly reduced due to the use of Pap tests, which can detect precancerous lesions that can be treated before a cancer develops, and

WHEREAS, invasive cervical cancers are diagnosed at the localized, most treatable and survivable stage in 53 percent of white women and 45 percent of African American women, and

WHEREAS, the primary cause of cervical cancer is infection with human papillomavirus (HPV), a virus commonly found in healthy women and only rarely resulting in cancer, and

WHEREAS, early detection, through annual Pap tests in compliance with the American Cancer Society's recommended guidelines, is the key to detecting cervical cancer at pre-cancerous stages, and

WHEREAS, the burden of cervical cancer can be significantly reduced due to the development of the first vaccine to prevent the most common HPV infections that cause cervical cancer, for use in females ages 9 to 26, and

WHEREAS, early cervical cancer detection through regular screening is the goal of the promotion of January as Cervical Cancer Awareness Month and of cervical cancer screening programs, such as the Mary Brogan Breast and Cervical Cancer Early Detection program, funded by the Centers for Disease Control and Prevention, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate recognizes the month of January 2009 as “Cervical Cancer Awareness Month” in Florida and urges all women to understand the risks associated with cervical cancer, to take preventive steps to minimize those risks, and to undergo early detection procedures such

as Pap tests and compliance with the American Cancer Society's recommended cervical cancer screening guidelines.

—**SR 2978** was introduced, read and adopted by publication.

At the request of Senator Gaetz—

By Senator Gaetz—

SR 2994—A resolution expressing appreciation to Frank M. Ryll, Jr., for his leadership and service to the state and the business community of Florida.

WHEREAS, Mr. Ryll, a long-time community and business leader in Florida, has a distinguished record of rendering valuable services to the people of Florida, and

WHEREAS, he has given generously of his time, talents, and expertise to bring Florida's business community to new levels of influence and effectiveness, and

WHEREAS, Frank Ryll, Jr., has played an important personal role in the governance of Florida's business community through his exemplary service for 25 years as president of the Florida Chamber of Commerce and the Florida Chamber of Commerce Foundation, and

WHEREAS, he ushered in an era of action in protecting Florida businesses and Florida's economy which will improve Florida for generations to come, and

WHEREAS, Mr. Ryll engaged other leaders in assuring economic well-being for the state and brought forth research and recommendations that resulted in fundamental and lasting changes to our education system, economic development, and international initiatives, and

WHEREAS, over a period of many years, Frank Ryll, Jr., has shown himself to be committed to the advancement of education, economic development, and leadership in Florida, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate commends and expresses sincere gratitude to Frank Ryll, Jr., for his dedicated, effective, and untiring public service, which have made a significant difference in the lives of countless Floridians.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Frank Ryll, Jr., as a tangible token of the sentiments of the Florida Senate.

—**SR 2994** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator King, the rules were waived and the Special Order Calendar Group was granted permission to meet this day immediately upon recess to set the Special Order Calendar for Monday, April 28.

BILLS ON THIRD READING

Consideration of **CS for CS for SB 2212** and **CS for CS for CS for SB 1544** was deferred.

CS for CS for CS for SB 2016—A bill to be entitled An act relating to public lodging and public food service establishments; amending s. 509.013, F.S.; revising and adding definitions; amending s. 509.032, F.S.; eliminating the requirement for the Division of Hotels and Restaurants to assist the State Fire Marshal in updating the Florida Fire Prevention Code; eliminating the requirement for the division to enforce the Florida Fire Prevention Code in conducting its inspections; requiring the division, or its agent, to notify firesafety officials of certain readily observable violations of the Florida Fire Prevention Code rules; revising state preemption authority; amending s. 509.039, F.S.; decreasing the amount of time in which a food service manager is required to obtain

certification after employment; requiring public food service establishments to provide proof of certification upon request by the division; amending s. 509.101, F.S.; deleting the requirement that a transient establishment maintain a copy of ch. 509, F.S., on its premises; amending s. 509.142, F.S.; requiring the operator of a public lodging establishment or public food service establishment to accommodate any person using a child conveyance; amending s. 509.211, F.S.; deleting a requirement for division notification of local firesafety officials or the State Fire Marshal of violations of rules under ch. 633, F.S.; amending s. 509.221, F.S.; providing that certain sanitary regulations for a public lodging establishment for its guests and employees and for a public food service establishment for its employees be in compliance with the Florida Building Code as approved by the local building authority; providing for wastewater disposal procedures for public food service establishments; providing the minimum sanitation standards for toilet facilities in food service establishments; requiring public lodging establishment and public food service establishment public restroom requirements to be in accordance with the Florida Building Code as approved by the local building authority; amending s. 509.242, F.S.; clarifying public lodging establishment classifications; amending s. 509.261, F.S.; authorizing the division to levy sanctions for failing to comply with final orders of the division; authorizing the division to require payment of outstanding fines before renewing or issuing a license; providing an effective date.

—as amended April 23 was read the third time by title.

Senator Aronberg moved the following amendments which were adopted by two-thirds vote:

Amendment 1 (601964)(with title amendment)—Delete line(s) 243-259 and renumber subsequent sections.

And the title is amended as follows:

Delete line(s) 20-23 and insert: amending s. 509.211, F.S.; deleting a

Amendment 2 (361424)(with title amendment)—Delete lines 324-358

And the title is amended as follows:

Delete lines 33 and 34 and insert: establishments;

Senator Crist moved the following amendment:

Amendment 3 (237924)(with title amendment)—Delete lines 243-358 and insert:

Section 5. Subsections (2) through (5) of section 509.211, Florida Statutes, are amended to read:

509.211 Safety regulations.—

(2) ~~The division, or its agent, shall immediately notify the local fire safety authority or the State Fire Marshal of any major violation of a rule adopted under chapter 633 which relates to public lodging establishments or public food service establishments. The division may impose administrative sanctions for violations of these rules pursuant to s. 509.261 or may refer such violations to the local firesafety authorities for enforcement.~~

(2)(3)(a) It is unlawful for any person to use within any public lodging establishment or public food service establishment any fuel-burning wick-type equipment for space heating unless such equipment is vented so as to prevent the accumulation of toxic or injurious gases or liquids.

(b) Any person who violates the provisions of paragraph (a) *commits* ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3)(4) Each public lodging establishment that is three or more stories in height must have safe and secure railings on all balconies, platforms, and stairways, and all such railings must be properly maintained and repaired. The division may impose administrative sanctions for violations of this subsection pursuant to s. 509.261.

(4)(5) Every enclosed space or room that contains a boiler regulated under chapter 554 which is fired by the direct application of energy from the combustion of fuels and that is located in any portion of a public

lodging establishment that also contains sleeping rooms shall be equipped with one or more carbon monoxide sensor devices that bear the label of a nationally recognized testing laboratory and have been tested and listed as complying with the most recent Underwriters Laboratories, Inc., Standard 2034, or its equivalent, unless it is determined that carbon monoxide hazards have otherwise been adequately mitigated as determined by the division. Such devices shall be integrated with the public lodging establishment's fire detection system. Any such installation or determination shall be made in accordance with rules adopted by the division.

Section 6. Subsections (1) and (5) and paragraph (a) of subsection (2) of section 509.221, Florida Statutes, are amended to read:

509.221 Sanitary regulations.—

(1)(a) Each public lodging establishment ~~and each public food service establishment~~ shall be supplied with potable water and shall provide adequate sanitary facilities for the accommodation of its employees and guests. Such facilities may include, but are not limited to, showers, handwash basins, toilets, and bidets. Such sanitary facilities shall be connected to approved plumbing. Such plumbing shall be sized, installed, and maintained in accordance with the Florida Building Code *as approved by the local building authority*. Wastewater or sewage shall be properly treated onsite or discharged into an approved sewage collection and treatment system.

(b) *Each public food service establishment shall be supplied with potable water and shall provide adequate sanitary facilities for the accommodation of its employees. Such facilities may include, but are not limited to, showers, handwash basins, toilets, and bidets. Such sanitary facilities shall be connected to approved plumbing. Such plumbing shall be sized, installed, and maintained in accordance with the Florida Building Code as approved by the local building authority. Wastewater or sewage shall be properly treated onsite or discharged into an approved sewage collection and treatment system.*

And the title is amended as follows:

Delete lines 20-31 and insert: amending s. 509.211, F.S.; deleting a requirement for division notification of local firesafety officials or the State Fire Marshal of violations of rules under ch. 633, F.S.; amending s. 509.221, F.S.; providing that certain sanitary regulations for a public lodging establishment for its guests and employees and for a public food service establishment for its employees be in compliance with the Florida Building Code as approved by the local building authority; providing for wastewater

On motion by Senator Aronberg, further consideration of **CS for CS for SB 2016** with pending **Amendment 3 (237924)** was deferred.

Consideration of **CS for CS for CS for CS for SB 560** was deferred.

CS for HB 3—A bill to be entitled An act relating to children's zones; creating s. 409.147, F.S.; providing legislative findings and intent; providing policy and purpose; providing definitions; providing a process for nominating and selecting a children's zone; providing for the governing body of a county or municipality to adopt a resolution designating a children's zone; specifying contents of the resolution; requiring the governing body to establish a children's zone planning team; providing powers and responsibilities of the planning team; requiring the planning team to designate working groups; specifying focus areas for the working groups; providing for the development of a strategic community plan; providing objectives for each focus area; requiring the governing body to create a corporation not for profit for specified purposes; establishing the Magic City Children's Zone, Inc., pilot project; providing for management by an entity organized as a corporation not for profit; providing geographic boundaries for the zone; providing for designation and appointment of a board of directors; providing for meetings and duties of the board of directors; providing per diem and travel expenses; requiring the board to enter into a contract to develop a business plan; providing for reports to the Legislature; establishing the Jacksonville Children's Zone pilot project; providing for management by an entity organized as a corporation not for profit; providing for a request for proposals process

to identify an existing corporation to manage the zone; providing geographic boundaries for the zone; providing for an oversight committee; requiring the corporation to enter into a contract to develop a business plan; providing for reports to the Legislature; establishing the Orlando Children's Zone pilot project; providing for management by the City of Orlando or a not-for-profit corporation; providing geographic boundaries for the zone; providing for funding for the zone to be disbursed through a donor-advised fund; providing a definition; providing for advisory groups; providing for reports to the Legislature; requiring the Department of Children and Family Services to contract with certain private not-for-profit corporations for specified purposes; requiring the corporation to provide evaluation, fiscal management, and oversight of the Magic City Children's Zone, Inc., and the Jacksonville Children's Zone pilot projects; providing a contingent effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Bullard, **CS for HB 3** was passed as amended and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Gaetz	Margolis
Aronberg	Garcia	Oelrich
Atwater	Geller	Peadar
Baker	Haridopolos	Rich
Bennett	Hill	Ring
Bullard	Jones	Saunders
Carlton	Joyner	Siplin
Constantine	Justice	Storms
Deutch	King	Villalobos
Dockery	Lawson	Webster
Fasano	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Crist, Dean, Diaz de la Portilla, Posey

Consideration of **CS for SB 1300** and **SB 1986** was deferred.

CS for SB 758—A bill to be entitled An act relating to inland navigation; amending s. 374.975, F.S.; providing that operation and maintenance of the Intracoastal Waterway and certain other public navigation channels by inland navigation districts is in the public interest; amending s. 374.976, F.S.; authorizing inland navigation districts to aid and cooperate with certain nonmember counties, certain seaports, and navigation districts in planning and carrying out certain projects concerning waterways; authorizing inland navigation districts to furnish assistance and support to seaports in planning and carrying out projects concerning waterway-related access; amending s. 374.977, F.S.; requiring that the Fish and Wildlife Conservation Commission assume certain responsibilities for posting and maintaining regulatory markers concerning manatee protection speed zones; allowing the commission to apply to inland navigation districts for funding to assist with this responsibility; amending s. 403.813, F.S.; removing provisions requiring the Secretary of Environmental Protection to adopt procedural rules for certain dredge and fill projects; revising requirements governing maintenance dredging by inland navigation districts and certain seaports; granting mixing zones; authorizing discharge of the return water from the site for the disposal of the dredged material under certain conditions; defining the term "manmade waters"; prohibiting the state from charging an inland navigation district or a public port authority for certain removed materials; authorizing the use of flocculants at a site for the disposal of dredged material under certain conditions; authorizing the Department of Environmental Protection to develop and maintain a list concerning the use of flocculants; providing that publication of the list is not a rule; authorizing the department to approve the use of a flocculant that is not on the list under specified conditions; providing an effective date.

—was read the third time by title.

On motion by Senator Bennett, **CS for SB 758** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Margolis	

Nays—None

The Senate resumed consideration of—

CS for CS for CS for SB 2016—A bill to be entitled An act relating to public lodging and public food service establishments; amending s. 509.013, F.S.; revising and adding definitions; amending s. 509.032, F.S.; eliminating the requirement for the Division of Hotels and Restaurants to assist the State Fire Marshal in updating the Florida Fire Prevention Code; eliminating the requirement for the division to enforce the Florida Fire Prevention Code in conducting its inspections; requiring the division, or its agent, to notify firesafety officials of certain readily observable violations of the Florida Fire Prevention Code rules; revising state preemption authority; amending s. 509.039, F.S.; decreasing the amount of time in which a food service manager is required to obtain certification after employment; requiring public food service establishments to provide proof of certification upon request by the division; amending s. 509.101, F.S.; deleting the requirement that a transient establishment maintain a copy of ch. 509, F.S., on its premises; amending s. 509.142, F.S.; requiring the operator of a public lodging establishment or public food service establishment to accommodate any person using a child conveyance; amending s. 509.211, F.S.; deleting a requirement for division notification of local firesafety officials or the State Fire Marshal of violations of rules under ch. 633, F.S.; amending s. 509.221, F.S.; providing that certain sanitary regulations for a public lodging establishment for its guests and employees and for a public food service establishment for its employees be in compliance with the Florida Building Code as approved by the local building authority; providing for wastewater disposal procedures for public food service establishments; providing the minimum sanitation standards for toilet facilities in food service establishments; requiring public lodging establishment and public food service establishment public restroom requirements to be in accordance with the Florida Building Code as approved by the local building authority; amending s. 509.242, F.S.; clarifying public lodging establishment classifications; amending s. 509.261, F.S.; authorizing the division to levy sanctions for failing to comply with final orders of the division; authorizing the division to require payment of outstanding fines before renewing or issuing a license; providing an effective date.

—which was previously considered and amended this day. Pending **Amendment 3 (237924)** by Senator Crist was withdrawn.

On motion by Senator Aronberg, **CS for CS for CS for SB 2016** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Diaz de la Portilla	King
Aronberg	Dockery	Lawson
Atwater	Fasano	Lynn
Baker	Gaetz	Margolis
Bennett	Garcia	Oelrich
Bullard	Geller	Peaden
Carlton	Haridopolos	Posey
Constantine	Hill	Rich
Crist	Jones	Ring
Dean	Joyner	Saunders
Deutch	Justice	Siplin

Storms
Villalobos

Nays—None

Webster

Wise

CS for HB 337—A bill to be entitled An act relating to management of Historic Pensacola properties; amending s. 267.173, F.S.; providing for the University of West Florida to directly contract for management of certain state-owned properties in Pensacola; requiring agreement of all parties to existing contracts and execution of contract with the Board of Trustees of the Internal Improvement Trust Fund; deleting a requirement to contract with the Department of State for certain historic properties in Pensacola; deleting language related to transfer of properties and contract requirements with the Department of State; permitting the University of West Florida to contract with its direct-support organization for management of historic properties; providing eligibility for certain grants; providing an effective date.

—was read the third time by title.

On motion by Senator Gaetz, **CS for HB 337** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Margolis	

Nays—None

CS for HB 853—A bill to be entitled An act relating to cemetery lands; amending s. 497.270, F.S.; revising provisions relating to the sale or disposition of cemetery lands to provide restrictions with respect to takings by eminent domain and the imposition of certain conditions for obtaining specified regulatory approval; providing an effective date.

—was read the third time by title.

On motion by Senator Bennett, **CS for HB 853** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Margolis	

Nays—None

SB 1486—A bill to be entitled An act relating to state symbols; creating s. 15.0386, F.S.; designating the official state tortoise; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **SB 1486** was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dockery	Lynn
Aronberg	Fasano	Margolis
Atwater	Gaetz	Peaden
Baker	Garcia	Posey
Bennett	Geller	Rich
Bullard	Haridopolos	Ring
Carlton	Hill	Saunders
Constantine	Jones	Siplin
Crist	Joyner	Storms
Dean	Justice	Villalobos
Deutch	King	Webster
Diaz de la Portilla	Lawson	Wise

Nays—1

Oelrich

CS for SB 2052—A bill to be entitled An act relating to water and wastewater utilities; amending s. 367.0814, F.S.; revising provisions for Florida Public Service Commission staff assistance in changing rates and charges for water and wastewater utilities; providing for periodic adjustment of the gross annual revenue level established by the commission for such purposes; requiring the commission to periodically submit a report to the Legislature; specifying report requirements; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, **CS for SB 2052** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Margolis	

Nays—None

Consideration of **CS for SB 994** was deferred.

HB 989—A bill to be entitled An act relating to physician assistants; amending s. 458.347, F.S.; revising the requirements for the formulary established by the Council on Physician Assistants in order to allow physician assistants to prescribe antipsychotics and parenteral preparations; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, **HB 989** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Baker	Carlton
Aronberg	Bennett	Constantine
Atwater	Bullard	Crist

Dean	Jones	Rich
Deutch	Joyner	Ring
Diaz de la Portilla	Justice	Saunders
Dockery	King	Siplin
Fasano	Lawson	Storms
Gaetz	Lynn	Villalobos
Garcia	Margolis	Webster
Geller	Oelrich	Wise
Haridopolos	Peaden	
Hill	Posey	

Nays—None

HB 7085—A bill to be entitled An act relating to mental health and substance abuse; amending s. 394.4572, F.S.; revising provisions relating to employment screening requirements for mental health personnel; revising the definition of the term “mental health personnel”; removing an exemption from screening requirements for certain mental health personnel; creating s. 394.4996, F.S.; authorizing the Agency for Health Care Administration, in consultation with the Department of Children and Family Services, to establish a licensure category for facilities providing integrated adult mental health crisis stabilization unit and addictions receiving facility services; authorizing such facilities to provide integrated mental health and substance abuse services to adults who meet certain criteria; providing for standards, procedures, and requirements for services; providing rulemaking authority; amending s. 394.655, F.S.; revising purpose of the Criminal Justice, Mental Health, and Substance Abuse Policy Council; amending s. 394.656, F.S.; requiring the department and the agency to develop local treatment and service delivery infrastructures in coordination with counties receiving grants under the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program; amending s. 394.657, F.S.; providing additional duties of certain county planning councils and committees; amending s. 394.659, F.S.; providing additional duties of the Criminal Justice, Mental Health, and Substance Abuse Technical Assistance Center; requiring an annual report; amending s. 394.67, F.S.; revising the definition of the term “residential treatment center for children and adolescents”; providing for such centers to be licensed by the agency; amending s. 394.674, F.S.; revising eligibility requirements for substance abuse and mental health services funded by the department; providing rulemaking authority; creating s. 394.9086, F.S.; creating the “Community Mental Health and Substance Abuse Treatment and Crime Reduction Act”; providing goals; providing definitions; creating a community mental health and substance abuse treatment forensic treatment system; providing criteria for eligibility; providing responsibilities of the department; establishing demonstration sites; providing rulemaking authority; amending s. 409.906, F.S.; authorizing the agency to seek federal approval to implement home and community-based services; amending s. 553.80, F.S.; providing for enforcement of the Florida Building Code construction regulations for secure mental health treatment facilities by the department; amending s. 916.111, F.S.; revising provisions governing the training of mental health experts; requiring forensic evaluator training courses to be offered annually; providing requirements for being placed on or removed from the department’s forensic evaluator registry; amending s. 916.115, F.S.; revising provisions relating to appointment of experts by the court to evaluate the mental condition of a criminal defendant; requiring experts to complete forensic evaluator training within a specified period of time to remain on the department’s registry; providing conditions under which certain persons may assist in forensic evaluations; amending s. 916.13, F.S.; creating an exception to involuntary commitment for defendants adjudicated incompetent in the custody of the Department of Corrections; providing duties of the department relating to treatment for defendants adjudicated incompetent to proceed due to mental illness; revising duties of the department and the court; specifying timeframes for the filing of reports, the commitment and placement of defendants, and the holding of hearings; amending s. 916.15, F.S.; creating an exception for the involuntary commitment of defendants adjudicated not guilty by reason of insanity in the custody of the Department of Corrections; revising duties of the department and the court; specifying timeframes for the filing of reports, the commitment and placement of defendants, and the holding of hearings; amending s. 916.17, F.S.; providing conditions for placement of a defendant in a community residential facility in a demonstration area established under the act under certain circumstances; providing criteria for such placement; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Storms, **HB 7085** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Margolis	

Nays—None

SB 1456—A bill to be entitled An act relating to medical assistance eligibility of inmates; creating s. 409.9025, F.S.; providing for suspension of medical assistance for certain incarcerated persons while such persons are inmates; providing an exception; providing for eligibility following release from incarceration; providing that, to the extent permitted under federal law, the time during which such person is an inmate shall not be included in any calculation of when the person must recertify his or her eligibility; providing an effective date.

—was read the third time by title.

On motion by Senator Joyner, **SB 1456** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Margolis	

Nays—None

CS for CS for SB 1488—A bill to be entitled An act relating to consumer information concerning health care; providing a short title; providing a purpose; amending s. 381.026, F.S.; requiring a health care provider or a health care facility to provide an uninsured person with a reasonable estimate of charges for planned nonemergency medical services before such services are provided; requiring that the provider or the facility provide the uninsured person with information regarding such provider's or facility's discount or charity policies; requiring that the estimate be in writing and in a language comprehensible to an ordinary layperson; amending s. 395.301, F.S.; requiring certain licensed facilities to provide a written estimate within a certain period of time to an uninsured person seeking planned nonemergency elective admission; requiring the facility to notify the person if the estimate is revised; requiring the facility to provide the person with a copy of any discount or charity care discount policies for which such person may be eligible; requiring the facility to place a notice in the reception area where such information is available; imposing a monetary penalty if the facility fails to provide the requested information; amending s. 408.05, F.S.; revising the list of patient charge data that may be disclosed by the Agency for Health Care Administration; requiring the agency to publish

on its website information concerning prices for the most commonly performed adult and pediatric procedures; providing an effective date.

—was read the third time by title.

On motion by Senator Dean, **CS for CS for SB 1488** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Margolis	

Nays—None

CS for CS for SB 1582—A bill to be entitled An act relating to guardians ad litem; amending s. 61.402, F.S.; authorizing a person affiliated with a not-for-profit legal aid organization to serve as a guardian ad litem under certain circumstances; requiring that such person undergo a security background investigation; requiring not-for-profit legal aid organizations to provide training developed by The Florida Bar before a person is certified as a guardian ad litem; providing for interim training developed by a curriculum committee; providing an effective date.

—was read the third time by title.

On motion by Senator Joyner, **CS for CS for SB 1582** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Margolis	

Nays—None

CS for HB 625—A bill to be entitled An act relating to independent living transition services; amending s. 409.1451, F.S.; providing for family foster homes, residential child-caring agencies, or other authorized caregivers to be included in the development of plans for activities for certain children; requiring specified information to be included in a report to the Legislature by the Independent Living Services Advisory Council; creating s. 743.046, F.S.; providing for removal of disabilities of certain minors for purposes of securing utility services; providing an effective date.

—was read the third time by title.

On motion by Senator Storms, **CS for HB 625** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Margolis	

Nays—None

CS for CS for SB 2598—A bill to be entitled An act relating to treatment programs for impaired medical practitioners; amending s. 456.076, F.S.; revising requirements for consultants retained by the Department of Health; providing that a consultant may contract for services to be provided to students enrolled in schools for licensure as allopathic and osteopathic physicians or physician assistants, nurses, or pharmacists who are alleged to be impaired, if requested by the school; exempting the department from paying the costs for services provided by treatment providers or consultants; indemnifying certain schools from liability in civil actions under certain circumstances; providing limited sovereign immunity for certain program consultants under specified contractual conditions; requiring that the Department of Financial Services defend legal actions against program consultants; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Atwater, **CS for CS for SB 2598** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Margolis	

Nays—None

Consideration of **CS for SB 988** was deferred.

HB 85—A bill to be entitled An act relating to lewd or lascivious molestation; amending s. 775.082, F.S.; requiring life sentences for certain second or subsequent offenders; amending s. 948.012, F.S.; conforming a cross-reference; reenacting s. 800.04(5)(b), F.S., relating to lewd or lascivious offenses committed against persons less than 12 years of age, to incorporate the amendments made to s. 775.082, F.S., in a reference thereto; providing an effective date.

—was read the third time by title.

On motion by Senator Dockery, **HB 85** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Margolis	

Nays—None

On motion by Senator Dockery, by two-thirds vote **HB 7137** was withdrawn from the Committees on Criminal Justice; Children, Families, and Elder Affairs; Judiciary; and Criminal and Civil Justice Appropriations.

On motion by Senator Dockery, by two-thirds vote—

HB 7137—A bill to be entitled An act relating to the Department of Corrections; amending s. 921.187, F.S.; deleting certain provisions limiting circumstances under which an offender may be placed in community control; amending s. 943.16, F.S.; eliminating provisions requiring that a law enforcement officer reimburse the employing agency for wages and benefits paid by the employing agency if the officer terminates employment before the end of a 2-year commitment period; eliminating wages and benefits from the costs that employing agencies may recover; eliminating the definition of the term “academy training period”; amending s. 944.1905, F.S.; authorizing the department to assign certain young adult offenders to a facility for youthful offenders until the offender reaches a specified age; deleting provisions requiring that certain young adult offenders be housed and provided certain services separately from older offenders; amending s. 944.47, F.S.; providing that a cellular telephone or other portable communication device that is introduced inside the secure perimeter of a state correctional institution without prior authorization is contraband; prohibiting an inmate or other person upon the grounds of the institution from possessing such contraband without authorization; providing a definition; providing criminal penalties; amending s. 948.01, F.S.; deleting the requirement that a court using a specified alternative to a sentence of incarceration require the Department of Corrections to provide certain notifications; amending s. 948.10, F.S.; deleting a requirement that community control programs and manuals be developed in consultation with the Florida Conference of Circuit Court Judges and the State Courts Administrator; deleting the prohibition on sentencing offenders convicted of certain forcible felonies to community control; deleting requirements for the department in developing and implementing community control programs, resource directories, and training programs; deleting a requirement for the Florida Court Education Council and the State Courts Administrator to coordinate certain resources for judges pertaining to community control; eliminating provisions governing review and notice by the department of offenders ineligible for community control and requiring the department to develop a caseload equalization strategy; conforming provisions to deletion of the prohibition on sentencing offenders convicted of certain forcible felonies to community control; amending s. 958.04, F.S.; authorizing the court to sentence a person as a youthful offender if the offender is younger than 21 years of age at the time sentence is imposed; requiring the Department of Corrections to adopt by rule criteria to define successful participation in the youthful offender program; amending s. 958.11, F.S.; removing the specific designation of youthful offender facilities for housing female offenders; revising requirements for the department with respect to assigning or transferring youthful offenders; removing references to the Assistant Secretary for Youthful Offenders; amending s. 958.12, F.S.; removing the requirement for a youthful offender to be visited by a probation and parole officer before release; removing the requirement for the department to develop community partnerships with the Department of Labor and Employment Security and the Department of Children and Family Services and including private agencies as possible partners in such partnerships; amending s. 945.41, F.S.; eliminating a requirement that the Department of Corrections contract

with the Department of Children and Family Services to provide certain mental health services; authorizing the Department of Corrections to contract with other entities or persons to provide mental health services to inmates; amending s. 945.42, F.S.; revising definitions and defining the term "crisis stabilization care"; amending s. 945.43, F.S.; revising the procedures for placing an inmate in a mental health treatment facility; authorizing the court to waive the presence of the inmate at the hearing on the inmate's placement; amending s. 945.44, F.S.; providing for the emergency placement of an inmate in a mental health treatment facility; amending s. 945.45, F.S.; revising the provisions governing the continued placement of an inmate in a mental health treatment facility; authorizing an administrative law judge to appoint a private pro bono attorney to represent an inmate in continued placement hearings; providing that the administrative law judge may waive the presence of the inmate at the hearing under certain conditions; amending s. 945.46, F.S.; authorizing the warden to initiate procedures for the involuntary examination of an inmate who has a mental illness and meets certain criteria; amending s. 945.47, F.S.; providing for the transfer of an inmate who is no longer in need of mental health treatment; deleting certain provisions governing involuntary placement; requiring that a summary of the inmate's treatment be provided to the Parole Commission and the Department of Children and Family Services upon request; amending s. 945.48, F.S.; revising the procedure for the involuntary mental health treatment of an inmate; providing for the warden of the institution containing the mental health treatment facility to petition the circuit court for an order authorizing involuntary treatment; providing requirements for the hearing on involuntary treatment; limiting the period that an order authorizing involuntary treatment is effective; providing a procedure for emergency treatment; amending s. 945.49, F.S.; deleting a provision requiring that training provided to correctional officers employed by a mental health treatment facility be in accordance with the requirements of the Criminal Justice Standards and Training Commission; deleting a requirement that a specified number of administrative law judges be assigned to conduct hearings on continued placement of inmates; requiring that inmates receiving mental health treatment be subject to the same standards applied to other inmates in the department; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for CS for SB 1614** and by two-thirds vote read the second time by title. On motion by Senator Dockery, by two-thirds vote **HB 7137** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Margolis	

Nays—None

SB 1700—A bill to be entitled An act relating to mutual aid agreements; creating s. 285.185, F.S.; authorizing the Seminole Tribe of Florida to enter into any existing mutual aid plan, arrangement, or agreement; requiring the Division of Emergency Management and the Department of Law Enforcement to abide by the terms of such plan, arrangement, or agreement and provide assistance; authorizing parties to modify the provisions of such plan, arrangement, or agreement; providing an effective date.

—was read the third time by title.

On motion by Senator Bennett, **SB 1700** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Margolis	

Nays—None

CS for CS for SB 1732—A bill to be entitled An act relating to human trafficking; creating within the Executive Office of the Governor the Florida Statewide Task Force on Human Trafficking; prescribing the membership of the task force; providing for members of the task force to serve without compensation or reimbursement for per diem and travel expenses; providing specific responsibilities and duties of the task force and its members; requiring that the task force prepare a final report by a specified date; providing duties of the Florida State University Center for the Advancement of Human Rights; abolishing the task force on a specified date; providing an effective date.

—was read the third time by title.

On motion by Senator Joyner, **CS for CS for SB 1732** was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Margolis	

Nays—None

CS for CS for SB 2676—A bill to be entitled An act relating to pretrial release programs; creating s. 907.043, F.S.; creating the "Citizens' Right-to-Know Act"; defining the terms "nonsecured release," "pretrial release program," "register," and "secured release"; requiring each pretrial release program to prepare a register displaying information relevant to the defendants released through such a program; requiring that a copy of the register be located at the office of the clerk of the circuit court in the county where the program is located and readily accessible to the public; specifying the contents of the register; requiring each pretrial release program to submit an annual report to the Office of the State Courts Administrator and to the clerk of the circuit court by a specified date; specifying the content of the annual report; amending s. 903.011, F.S.; providing requirements for the form of bail or bond required for release from detention; amending s. 903.286, F.S.; requiring that all cash bond forms prominently display a notice explaining that cash funds are subject to forfeiture and withholding by the clerk of the court for the payment of court fees, court costs, and criminal penalties on behalf of the criminal defendant regardless of who posted the funds; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study to evaluate the effectiveness and cost-efficiency of pretrial release programs in this state; describing the scope of the study; requiring OPPAGA to submit a report of the study to the

President of the Senate and the Speaker of the House of Representatives by a specified date; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Crist, **CS for CS for SB 2676** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Margolis	

Nays—None

CS for SB 342—A bill to be entitled An act relating to candidates for public office; amending s. 99.012, F.S.; authorizing a law enforcement officer to qualify as a candidate for public office without resigning his or her law enforcement position; providing an exception; providing for reinstatement to the law enforcement office; amending s. 99.095, F.S.; authorizing a candidate to pay a pro rata portion of the qualifying fee under certain conditions; providing an effective date.

—was read the third time by title.

On motion by Senator Lynn, **CS for SB 342** was passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Garcia	Posey
Aronberg	Haridopolos	Rich
Atwater	Hill	Ring
Baker	Jones	Saunders
Bennett	Joyner	Siplin
Carlton	Justice	Villalobos
Dean	King	Webster
Deutch	Lynn	Wise
Dockery	Margolis	
Fasano	Peaden	

Nays—9

Bullard	Diaz de la Portilla	Lawson
Constantine	Gaetz	Oelrich
Crist	Geller	Storms

On motion by Senator Fasano, by two-thirds vote **HB 489** was withdrawn from the Committees on Children, Families, and Elder Affairs; Commerce; Governmental Operations; and Judiciary.

On motion by Senator Fasano, by two-thirds vote—

HB 489—A bill to be entitled An act relating to sexual violence; amending s. 741.313, F.S.; defining the term “sexual violence”; providing specified employee leave benefits to employees who are victims of sexual violence or who have a family or household member who is a victim of sexual violence; providing an effective date.

—a companion measure, was substituted for **CS for SB 994** and by two-thirds vote read the second time by title. On motion by Senator Fasano, by two-thirds vote **HB 489** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Fasano	Margolis
Aronberg	Gaetz	Oelrich
Atwater	Garcia	Peaden
Baker	Geller	Posey
Bullard	Haridopolos	Rich
Carlton	Hill	Ring
Constantine	Jones	Saunders
Crist	Joyner	Siplin
Dean	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Webster
Dockery	Lynn	Wise

Nays—None

SB 1986—A bill to be entitled An act relating to lien claims by homeowners’ associations; amending s. 720.3085, F.S.; providing that when authorized by the governing documents, a homeowners’ association has a lien on each parcel to secure the payment of assessments and other amounts; providing an exception to first mortgages of record; providing that the act does not bestow upon any lien, mortgage, or certified judgment of record on July 1, 2008, a priority that the lien, mortgage, or judgment did not have before that date; providing for the elements of a valid claim of lien; providing for the content of a recording notice; requiring a parcel owner or the parcel owner’s agent or attorney to require the homeowners’ association to enforce a recorded claim of lien against his or her parcel; providing procedures for notifying the homeowners’ association; requiring that service be made by certified mail, return receipt requested; authorizing the homeowners’ association to bring a civil action to foreclose a lien for assessments in the same manner in which a mortgage of real property is foreclosed; providing that the homeowners’ association may also bring an action to recover a money judgment for the unpaid assessments without waiving any claim of lien; providing that if a parcel owner remains in possession of the parcel after a foreclosure judgment has been entered, the court may require the parcel owner to pay a reasonable rent for the parcel; providing that the homeowners’ association may purchase the parcel at the foreclosure sale and hold, lease, mortgage, or convey the parcel; limiting the liability of a first mortgagee or its successor or assignee as a subsequent holder of the first mortgage who acquires title to a parcel by foreclosure or by deed in lieu of foreclosure for the unpaid assessments that became due before the mortgagee’s acquisition of title; providing that the time limitations in the act do not apply if the parcel is subject to a foreclosure action or forced sale of another party; providing for a qualified offer during the pendency of a foreclosure action; providing procedures for offering and accepting a qualifying offer; requiring that the qualifying offer be in a particular format; providing an effective date.

—was read the third time by title.

MOTION

On motion by Senator Ring, the rules were waived to allow the following amendment to be considered:

Senator Ring moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (887968)—Delete lines 102-119 and insert:

(c) *The association may bring an action in its name to foreclose a lien for assessments in the same manner in which a mortgage of real property is foreclosed and may also bring an action to recover a money judgment for the unpaid assessments without waiving any claim of lien. The association is entitled to recover its reasonable attorney’s fees incurred in an action to foreclose a lien or an action to recover a money judgment for unpaid assessments.*

(d) *If the parcel owner remains in possession of the parcel after a foreclosure judgment has been entered, the court may require the parcel owner to pay a reasonable rent for the parcel. If the parcel is rented or leased during the pendency of the foreclosure action, the association is entitled to the appointment of a receiver to collect the rent. The expenses of the receiver must be paid by the party who does not prevail in the foreclosure action.*

(e) *The association may purchase the parcel at the foreclosure sale and hold, lease, mortgage, or convey the parcel.*

On motion by Senator Ring, **SB 1986** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Margolis	

Nays—None

CS for SB 988—A bill to be entitled An act relating to transitional services for young adults with disabilities; creating a health care transition services task force within the Department of Health; providing legislative intent; providing for membership, duties, and responsibilities of the task force; providing for reimbursement of members for expenses; requiring the task force to assess the need for health care transition services and provide a report to the Governor and the Legislature; providing an effective date.

—as amended April 24 was read the third time by title.

On motion by Senator Wise, **CS for SB 988** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Fasano	Margolis
Aronberg	Gaetz	Oelrich
Atwater	Garcia	Peaden
Bennett	Geller	Posey
Bullard	Haridopolos	Rich
Carlton	Hill	Ring
Constantine	Jones	Saunders
Crist	Joyner	Siplin
Dean	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Webster
Dockery	Lynn	Wise

Nays—None

SPECIAL ORDER CALENDAR

Consideration of **CS for HB 257** and **SB 2400** was deferred.

On motion by Senator Wise, by two-thirds vote **CS for HB 69** was withdrawn from the Committees on Transportation; Community Affairs; and Transportation and Economic Development Appropriations.

On motion by Senator Wise, the rules were waived and by two-thirds vote—

CS for HB 69—A bill to be entitled An act relating to license plates; amending s. 320.06, F.S.; requiring counties to issue license plates with either the name of the county in which the plate is sold, the state motto, or the words “Sunshine State,” printed on the plate; providing conditions; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 222** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 69** was placed on the calendar of Bills on Third Reading.

By Senator Baker—

SB 230—A bill to be entitled An act relating to state symbols; creating s. 15.0526, F.S.; designating the Florida Cracker Horse (Marshstackie) as the official state horse; providing for future legislative review and repeal; providing an effective date.

—was read the second time by title.

Senator Lawson moved the following amendment which was adopted:

Amendment 1 (912780)(with title amendment)—Between line(s) 16 and 17 insert:

Section 2. Section 15.0386, Florida Statutes, is created to read:

15.0386 Official state salt water reptile.—The Loggerhead Turtle is designated as the official Florida state salt water reptile.

And the title is amended as follows:

On line(s) 5, after the semicolon (;) insert: creating s. 15.0386, F.S.; designating the Loggerhead Turtle as the official Florida state salt water reptile;

Pursuant to Rule 4.19, **SB 230** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By Senator Bennett—

SB 432—A bill to be entitled An act relating to the placement of vessels in state or federal waters seaward of the state to form artificial reefs; amending s. 370.25, F.S., relating to the state’s artificial reef program; providing legislative findings; authorizing the planning and development of a statewide matching grant program to secure and place United States Maritime Administration and United States Navy decommissioned vessels in specified waters as artificial reefs; providing for administration of the program by the Florida Fish and Wildlife Conservation Commission; providing for implementation of the program subject to appropriations; providing objectives of the program; creating s. 370.255, F.S.; providing for the establishment of the Florida Ships-2-Reefs Program, a matching grant program, by the Florida Fish and Wildlife Conservation Commission; providing the purposes of the program; specifying the percentage of the state matching grant; providing procedures and requirements with respect to the program; authorizing the Florida Fish and Wildlife Conservation Commission to adopt rules; providing for reports; authorizing provision of funds under the program contingent upon an appropriation; providing for a report; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 432** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 482** was deferred.

On motion by Senator Bennett—

CS for CS for SB 498—A bill to be entitled An act relating to agency inspectors general; amending s. 20.055, F.S.; providing definitions; requiring agency inspectors general to comply with certain principles and standards; requiring an inspector general to submit findings of audits and investigations to specified persons or entities if such findings are not exempt from disclosure; requiring responses to findings within 20 working days; requiring agencies under the Governor to notify the Chief Inspector General of inspector general appointments and terminations; prohibiting agency staff from preventing or prohibiting the inspector general from initiating, carrying out, or completing any audit or investigation; requiring audits to be conducted in accordance with the current

International Standards for the Professional Practice of Internal Auditing; requiring the inspector general of each state agency to report certain written complaints to the agency head, and for agencies under the Governor, to the agency head and the Chief Inspector General; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 498** to **CS for HB 165**.

Pending further consideration of **CS for CS for SB 498** as amended, on motion by Senator Bennett, by two-thirds vote **CS for HB 165** was withdrawn from the Committees on Governmental Operations; and General Government Appropriations.

On motion by Senator Bennett, by two-thirds vote—

CS for HB 165—A bill to be entitled An act relating to agency inspectors general; amending s. 20.055, F.S.; providing definitions; requiring agency inspectors general to comply with certain principles and standards; requiring an inspector general to submit findings of audits and investigations to specified persons or entities if such findings are not exempt from disclosure; requiring responses to findings within 20 working days; requiring agencies under the Governor to notify the Chief Inspector General of inspector general appointments and terminations; prohibiting agency staff from preventing or prohibiting the inspector general from initiating, carrying out, or completing any audit or investigation; requiring audits to be conducted in accordance with the current International Standards for the Professional Practice of Internal Auditing; requiring the inspector general of each state agency to report certain written complaints to the agency head, and for agencies under the Governor, to the agency head and the Chief Inspector General; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 498** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 165** was placed on the calendar of Bills on Third Reading.

By Senator Baker—

CS for CS for SB 544—A bill to be entitled An act relating to temporary motor vehicle license tags; amending s. 320.131, F.S.; revising provisions for the placement of temporary tags on vehicles; revising provisions for implementation of an electronic, print-on-demand temporary tag issuance system; authorizing a motor vehicle dealer to charge a fee in certain circumstances; authorizing the department to adopt rules; repealing s. 320.96, F.S., relating to implementation of an electronic print-on-demand temporary license plate system; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 544** was placed on the calendar of Bills on Third Reading.

On motion by Senator Deutch, by two-thirds vote **CS for HB 419** was withdrawn from the Committees on Commerce; Judiciary; Finance and Tax; and Transportation and Economic Development Appropriations.

On motion by Senator Deutch—

CS for HB 419—A bill to be entitled An act relating to business entities; amending s. 607.1109, F.S.; exempting a domestic corporation from the requirement to file articles of merger under certain circumstances; amending s. 607.1113, F.S.; exempting a domestic corporation from the requirement to file a certificate of conversion under certain circumstances; amending s. 607.1115, F.S.; requiring that each converting entity file a certificate of conversion with the Department of State; amending s. 608.4382, F.S.; exempting a domestic limited liability company from the requirement to file a certificate of merger under certain circumstances; amending s. 608.439, F.S.; including a corporation within the definition of “other business entity” or “another business entity”; requiring that each converting entity file a certificate of conversion with the department; amending s. 608.4403, F.S.; exempting a

limited liability company from the requirement to file a certificate of conversion under certain circumstances; amending s. 617.1108, F.S.; exempting a domestic corporation not for profit from the requirement to file articles of merger under certain circumstances; providing for a copy of articles of merger or the certificate of merger to be filed in each county in which real property of a party to the merger is situated; amending s. 620.1406, F.S.; revising the requirements for general partners with respect to exercising certain management rights; providing that the expulsion of a limited partner requires the consent of all of the other limited partners; amending s. 620.2104, F.S.; requiring that a certificate of conversion be signed by each general partner and by the converting organization; exempting a limited partnership from the requirement to file a certificate of conversion if the partnership complies with certain other laws; amending s. 620.2108, F.S.; providing exceptions to a requirement that constituent limited partnerships file articles of merger or a certificate of merger with the Department of State; amending s. 620.2204, F.S.; changing the date of application of provisions authorizing a limited partner to dissociate from a limited partnership; amending s. 620.8101, F.S.; redefining the term “statement” to exclude a statement of merger; amending s. 620.8105, F.S.; requiring that a registration statement be filed with the department before filing a certificate of conversion or a certificate of merger; amending s. 620.81055, F.S.; providing that a filing fee applies to a certificate of merger; amending s. 620.8911, F.S.; clarifying that the term “organization” includes a converted or surviving organization under certain circumstances; amending s. 620.8914, F.S.; revising requirements for conversions; exempting converting domestic partnerships from filing a certificate of conversion under certain circumstances; providing that the certificate of conversion acts as a cancellation of the registration statement for a converting partnership; amending s. 620.8918, F.S.; exempting domestic constituent partnerships from filing a certificate of merger under certain circumstances; requiring that such partnership file a registration statement with the department under certain circumstances; amending s. 621.06, F.S.; revising limitations on qualifications to render professional services; amending s. 621.10, F.S.; revising limitations on disqualifications to render professional services; amending s. 621.13, F.S.; deleting limitations on mergers between domestic and foreign professional corporations and limited liability companies; amending s. 727.114, F.S.; providing for disposition of residue moneys after payment of certain creditors’ claims; providing effective dates.

—a companion measure, was substituted for **CS for SB 698** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 419** was placed on the calendar of Bills on Third Reading.

By Senator Crist—

CS for CS for CS for SB 700—A bill to be entitled An act relating to juvenile justice; amending s. 29.008, F.S.; conforming cross-references; amending s. 790.22, F.S.; revising provisions relating to community service programs; amending s. 939.185, F.S.; providing diversion options; amending s. 984.05, F.S., conforming cross-references; amending s. 984.09, F.S.; deleting duplicative provisions relating to contempt of court and alternative sanctions; amending s. 985.02, F.S.; providing diversion options; amending s. 985.03, F.S.; defining the term “ordinary medical care”; amending and renumbering provisions of s. 985.037, F.S., relating to alternative sanctions; creating s. 985.0375, F.S.; providing for alternative sanctions; amending s. 985.04, F.S.; providing that confidential information obtained during an official’s service with juvenile delinquents may be shared with authorized personnel of the Department of Children and Family Services; amending s. 985.245, F.S.; providing for additional representatives to be included on the committee formed to advise the Department of Juvenile Justice on the risk assessment instrument; requiring periodic evaluation of the risk assessment instrument; amending s. 985.265, F.S.; providing an exception to required supervision in direct supervision housing; amending s. 985.601, F.S.; requiring the Department of Juvenile Justice to adopt rules to establish procedures to provide ordinary medical care, mental health, substance abuse, and developmental disabilities services to youth within the juvenile justice continuum; requiring that, to the extent possible within available fiscal resources, the procedures must be commensurate with procedures that youth receive in the community; amending s. 985.606, F.S.; revising provisions governing data collection; amending s. 985.632, F.S.; authorizing the department to conduct a demonstration project in

order to create an accountable juvenile justice system that is outcome-based; amending s. 985.644, F.S., relating to departmental contracting powers; removing references to the Department of Children and Family Services; amending s. 985.66, F.S.; transferring the responsibility for the juvenile justice training program from the Juvenile Justice Standards and Training Commission to the Department of Juvenile Justice; requiring the department to adopt rules; amending s. 985.664, F.S., relating to the juvenile justice circuit boards and juvenile justice county councils; providing a reference to the Children and Youth Cabinet; requiring that juvenile justice circuit boards and county councils participate in facilitating interagency cooperation and information sharing with certain entities; requiring that such collaborations specify certain information; providing requirements for the annual reports required to be submitted by each juvenile justice circuit board; amending s. 985.668, F.S.; encouraging each juvenile justice circuit board, in consultation with the juvenile justice county council, to propose an innovation zone within the circuit; amending s. 985.676, F.S.; including the development and implementation of a strategic plan; amending s. 985.721, F.S.; conforming a cross-reference; amending s. 1006.13, F.S.; removing the reference of zero tolerance; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for SB 700** was placed on the calendar of Bills on Third Reading.

By Senator Fasano—

CS for SB 734—A bill to be entitled An act relating to license plates; amending ss. 320.08056 and 320.08058, F.S.; creating a Florida Tennis license plate; creating a Lighthouse Association license plate; creating an I Believe license plate; creating an In God We Trust license plate; providing for the distribution of annual use fees received from the sale of such plates; providing an effective date.

—was read the second time by title.

Senator Geller moved the following amendment:

Amendment 1 (250998)(with title amendment)—Delete line(s) 12-85 and insert:

Section 1. Paragraphs (mmm), (nnn), and (ooo) are added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(mmm) *Florida Tennis license plate, \$25.*

(nnn) *Lighthouse Association license plate, \$25.*

(ooo) *In God We Trust license plate, \$25.*

Section 2. Subsections (65), (66), and (67) are added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(65) **FLORIDA TENNIS LICENSE PLATES.**—

(a) *The department shall develop a Florida Tennis license plate as provided in this section. The word “Florida” must appear at the top of the plate and the words “Play Tennis” must appear at the bottom of the plate. The United States Tennis Association Florida Section Foundation may submit a revised sample plate for consideration by the department.*

(b) *The department shall distribute the annual use fees to the Florida Sports Foundation, a direct-support organization of the Office of Tourism, Trade, and Economic Development. The license plate annual use fees shall be annually allocated as follows:*

1. *Up to 5 percent of the proceeds from the annual use fees may be used by the Florida Sports Foundation to administer the license plate program.*

2. *The United States Tennis Association Florida Section shall receive the first \$60,000 in proceeds from the annual use fees to reimburse it for startup costs, administrative costs, and other costs it incurs in the development and approval process.*

3. *Up to 5 percent of the proceeds from the annual use fees may be used for promoting and marketing the license plates. The remaining proceeds shall be available for grants by the United States Tennis Association Florida Section Foundation to nonprofit organizations to operate youth tennis programs and adaptive tennis programs for special populations of all ages, and for building, renovating, and maintaining public tennis courts.*

(c) *All grant recipients shall provide to the United States Tennis Association Florida Section Foundation an annual program and financial report regarding the use of grant funds. Such reports shall be made available to the public.*

(66) **LIGHTHOUSE ASSOCIATION LICENSE PLATES.**—

(a) *The department shall develop a Lighthouse Association license plate as provided in this section. The word “Florida” must appear at the top of the plate, and the words “Visit Our Lights” must appear at the bottom of the plate.*

(b) *The annual use fees shall be distributed to the Florida Lighthouse Association, Inc., which may use a maximum of 10 percent of the proceeds to promote and market the plates. The remaining proceeds shall be used by the association to fund the preservation, restoration, and protection of the 29 historic lighthouses remaining in the state.*

(67) **IN GOD WE TRUST LICENSE PLATES.**—

And the title is amended as follows:

Delete line(s) 5 and insert: creating an In God We

MOTION

On motion by Senator Storms, the rules were waived to allow the following amendment to be considered:

Senator Storms moved the following amendment to **Amendment 1** which failed:

Amendment 1A (688624)(with title amendment)—Delete line(s) 7-59 and insert:

Section 1. Paragraphs (mmm), (nnn), (ooo), and (ppp) are added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(mmm) *Florida Tennis license plate, \$25.*

(nnn) *Lighthouse Association license plate, \$25.*

(ooo) *I Believe license plate, \$25.*

(ppp) *In God We Trust license plate, \$25.*

Section 2. Subsections (65), (66), (67), and (68) are added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(65) **FLORIDA TENNIS LICENSE PLATES.**—

(a) *The department shall develop a Florida Tennis license plate as provided in this section. The word “Florida” must appear at the top of the plate and the words “Play Tennis” must appear at the bottom of the plate. The United States Tennis Association Florida Section Foundation may submit a revised sample plate for consideration by the department.*

(b) *The department shall distribute the annual use fees to the Florida Sports Foundation, a direct-support organization of the Office of Tourism, Trade, and Economic Development. The license plate annual use fees shall be annually allocated as follows:*

1. Up to 5 percent of the proceeds from the annual use fees may be used by the Florida Sports Foundation to administer the license plate program.

2. The United States Tennis Association Florida Section shall receive the first \$60,000 in proceeds from the annual use fees to reimburse it for startup costs, administrative costs, and other costs it incurs in the development and approval process.

3. Up to 5 percent of the proceeds from the annual use fees may be used for promoting and marketing the license plates. The remaining proceeds shall be available for grants by the United States Tennis Association Florida Section Foundation to nonprofit organizations to operate youth tennis programs and adaptive tennis programs for special populations of all ages, and for building, renovating, and maintaining public tennis courts.

(c) All grant recipients shall provide to the United States Tennis Association Florida Section Foundation an annual program and financial report regarding the use of grant funds. Such reports shall be made available to the public.

(66) **LIGHTHOUSE ASSOCIATION LICENSE PLATES.—**

(a) The department shall develop a Lighthouse Association license plate as provided in this section. The word “Florida” must appear at the top of the plate, and the words “Visit Our Lights” must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to the Florida Lighthouse Association, Inc., which may use a maximum of 10 percent of the proceeds to promote and market the plates. The remaining proceeds shall be used by the association to fund the preservation, restoration, and protection of the 29 historic lighthouses remaining in the state.

(67) **I BELIEVE LICENSE PLATES.—**

(a) The department shall develop an I Believe license plate as provided in this section. However, the requirements of s. 320.08053 must be met before the plates are issued. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate and the words “I Believe” must appear at the bottom of the plate.

(b) The annual use fees from the plate shall be distributed to Faith in Teaching, Inc., which may retain all revenue from the use fees until all startup costs for developing and establishing the plate have been recovered. Thereafter, Faith in Teaching, Inc., shall allocate the annual use fees as follows:

1. A maximum of 10 percent may be used to offset administrative costs incurred by Faith in Teaching, Inc.;

2. A maximum of 10 percent may be used to promote and market the plate; and

3. The remaining funds shall be used to fund programs, activities, and projects that promote faith-based education for youth in this state.

(68) **IN GOD WE TRUST LICENSE PLATES.—**

And the title is amended as follows:

Delete line(s) 65 and insert: creating an I Believe license plate; creating an In God We

The question recurred on **Amendment 1** which was adopted.

Pursuant to Rule 4.19, **CS for SB 734** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano, by two-thirds vote **CS for CS for HB 1175** was withdrawn from the Committees on Transportation; Community Affairs; and Transportation and Economic Development Appropriations.

On motion by Senator Fasano—

CS for CS for HB 1175—A bill to be entitled An act relating to transportation services for the transportation disadvantaged; amending s. 409.908, F.S.; authorizing the Agency for Health Care Administration to continue to contract for Medicaid nonemergency transportation services in a specified agency service area with managed care plans under certain conditions; amending s. 427.011, F.S.; revising definitions; defining the term “purchasing agency”; amending s. 427.012, F.S.; revising the number of members required for a quorum at a meeting of the Commission for the Transportation Disadvantaged; amending s. 427.013, F.S.; revising responsibilities of the commission; deleting a requirement that the commission establish by rule acceptable ranges of trip costs; removing a provision for functioning and oversight of the quality assurance and management review program; requiring the commission to incur expenses for promotional services and items; amending s. 427.0135, F.S.; revising and creating duties and responsibilities for agencies that purchase transportation services for the transportation disadvantaged; providing requirements for the payment of rates; requiring an agency to negotiate with the commission before procuring transportation disadvantaged services; requiring an agency to identify its allocation for transportation disadvantaged services in its legislative budget request; amending s. 427.015, F.S.; revising provisions relating to the function of the metropolitan planning organization or designated official planning agency; amending s. 427.0155, F.S.; revising duties of community transportation coordinators; amending s. 427.0157, F.S.; revising duties of coordinating boards; amending s. 427.0158, F.S.; deleting provisions requiring the school board to provide information relating to school buses to the transportation coordinator; providing for the transportation coordinator to request certain information regarding public transportation; amending s. 427.0159, F.S.; revising provisions relating to the Transportation Disadvantaged Trust Fund; providing for the deposit of funds by an agency purchasing transportation services; amending s. 427.016, F.S.; providing for construction and application of specified provisions to certain acts of a purchasing agency in lieu of the Medicaid agency; requiring that an agency identify the allocation of funds for transportation disadvantaged services in its legislative budget request; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 788** and read the second time by title.

MOTION

On motion by Senator Fasano, the rules were waived to allow the following amendment to be considered:

Senator Fasano moved the following amendment which was adopted:

Amendment 1 (228096)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (18) of section 409.908, Florida Statutes, is amended to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. If a provider is reimbursed based on cost reporting and submits a cost report late and that cost report would have been used to set a lower reimbursement rate for a rate semester, then the provider's rate for that semester shall be retroactively calculated using the new cost report, and full payment at the recalculated rate shall be effected retroactively. Medicare-granted extensions for filing cost reports, if applicable, shall also apply to Medicaid cost reports. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(18) Unless otherwise provided in the General Appropriations Act, a provider of transportation services shall be reimbursed the lesser of the amount billed by the provider or the Medicaid maximum allowable fee established by the agency, except when the agency has entered into a direct contract with the provider, or with a community transportation coordinator, for the provision of an all-inclusive service, or when services are provided pursuant to an agreement negotiated between the agency and the provider. The agency, as provided for in s. 427.0135, shall purchase transportation services through the community coordinated transportation system, if available, unless the agency, *after consultation with the commission, determines that it cannot reach mutually acceptable contract terms with the commission. The agency may then contract for the same transportation services provided in a more cost-effective manner and of comparable or higher quality and standards determines a more cost-effective method for Medicaid clients.* Nothing in this subsection shall be construed to limit or preclude the agency from contracting for services using a prepaid capitation rate or from establishing maximum fee schedules, individualized reimbursement policies by provider type, negotiated fees, prior authorization, competitive bidding, increased use of mass transit, or any other mechanism that the agency considers efficient and effective for the purchase of services on behalf of Medicaid clients, including implementing a transportation eligibility process. The agency shall not be required to contract with any community transportation coordinator or transportation operator that has been determined by the agency, the Department of Legal Affairs Medicaid Fraud Control Unit, or any other state or federal agency to have engaged in any abusive or fraudulent billing activities. The agency is authorized to competitively procure transportation services or make other changes necessary to secure approval of federal waivers needed to permit federal financing of Medicaid transportation services at the service matching rate rather than the administrative matching rate. *Notwithstanding chapter 427, the agency is authorized to continue contracting for Medicaid nonemergency transportation services in agency service area 11 with managed care plans that were under contract for those services before July 1, 2004.*

Section 2. Subsections (8), (12), and (13) of section 427.011, Florida Statutes, are amended to read:

427.011 Definitions.—For the purposes of ss. 427.011-427.017:

(8) “Purchasing agency” ~~“Member department”~~ means a department or agency whose head is an *ex officio*, nonvoting advisor to a member of the commission, or an agency that purchases transportation services for the transportation disadvantaged.

(12) ~~“Annual budget estimate” means a budget estimate of funding resources available for providing transportation services to the transportation disadvantaged and which is prepared annually to cover a period of 1 state fiscal year.~~

(12)(13) “Nonsponsored transportation disadvantaged services” means transportation disadvantaged services that are not sponsored or subsidized by any funding source other than the Transportation Disadvantaged Trust Fund.

Section 3. Subsection (4) of section 427.012, Florida Statutes, is amended to read:

427.012 The Commission for the Transportation Disadvantaged.—There is created the Commission for the Transportation Disadvantaged in the Department of Transportation.

(4) The commission shall meet at least quarterly, or more frequently at the call of the chairperson. ~~Four~~ Five members of the commission constitute a quorum, and a majority vote of the members present is necessary for any action taken by the commission.

Section 4. Subsections (7), (8), (9), (14), and (26) of section 427.013, Florida Statutes, are amended, and subsection (29) is added to that section, to read:

427.013 The Commission for the Transportation Disadvantaged; purpose and responsibilities.—The purpose of the commission is to accomplish the coordination of transportation services provided to the transportation disadvantaged. The goal of this coordination is ~~shall be~~ to assure the cost-effective provision of transportation by qualified community transportation coordinators or transportation operators for the transportation disadvantaged without any bias or presumption in favor of multioperator systems or not-for-profit transportation operators over

single operator systems or for-profit transportation operators. In carrying out this purpose, the commission shall:

(7) *Unless otherwise provided by state or federal law, ensure* ~~Assure~~ that all procedures, guidelines, and directives issued by ~~purchasing agencies member departments~~ are conducive to the coordination of transportation services.

(8)(a) *Ensure* ~~Assure~~ that ~~purchasing agencies member departments~~ purchase all trips within the coordinated system, unless they have fulfilled the requirements of s. 427.0135(3) and use a more cost-effective alternative provider that meets comparable quality and standards.

(b) *Unless the purchasing agency has negotiated with the commission pursuant to the requirements of s. 427.0135(3), provide, by rule, criteria and procedures for purchasing agencies member departments to use if they wish to use an alternative provider. Agencies Departments must demonstrate either that the proposed alternative provider can provide a trip of comparable acceptable quality and standards for the clients at a lower cost than that provided within the coordinated system, or that the coordinated system cannot accommodate the agency's department's clients.*

(9) *Unless the purchasing agency has negotiated with the commission pursuant to the requirements of s. 427.0135(3), develop by rule standards for community transportation coordinators and any transportation operator or coordination contractor from whom service is purchased or arranged by the community transportation coordinator covering coordination, operation, safety, insurance, eligibility for service, costs, and utilization of transportation disadvantaged services. These standards and rules must include, but are not limited to:*

(a) ~~Inclusion, by rule, of acceptable ranges of trip costs for the various modes and types of transportation services provided.~~

(a)(b) Minimum performance standards for the delivery of services. These standards must be included in coordinator contracts and transportation operator contracts with clear penalties for repeated or continuing violations.

(b)(c) Minimum liability insurance requirements for all transportation services purchased, provided, or coordinated for the transportation disadvantaged through the community transportation coordinator.

(14) Consolidate, for each state agency, ~~the annual budget estimates for transportation disadvantaged services, and the amounts of each agency's actual expenditures, together with the actual expenditures annual budget estimates of each official planning agency, local government, and directly federally funded agency and the amounts collected by each official planning agency issue a report.~~

(26) Develop a quality assurance and management review program to monitor, based upon approved commission standards, services contracted for by an agency, and those provided by a community transportation operator pursuant to s. 427.0155. ~~Staff of the quality assurance and management review program shall function independently and be directly responsible to the executive director.~~

(29) *Incur expenses for the purchase of advertisements, marketing services, and promotional items.*

Section 5. Section 427.0135, Florida Statutes, is amended to read:

427.0135 ~~Purchasing agencies Member departments;~~ duties and responsibilities.—Each ~~purchasing agency member department~~, in carrying out the policies and procedures of the commission, shall:

(1)(a) Use the coordinated transportation system for provision of services to its clients, unless each department or *purchasing agency* meets the criteria outlined in rule or statute to use an alternative provider.

(b) ~~Subject to the provisions of s. 409.908(18), the Medicaid agency shall purchase transportation services through the community coordinated transportation system unless a more cost-effective method is determined by the agency for Medicaid clients or unless otherwise limited or directed by the General Appropriations Act.~~

(2) *Pay the rates established in the service plan or negotiated state-wide contract, unless the purchasing agency has completed the procedure*

for using an alternative provider and demonstrated that a proposed alternative provider can provide a more cost-effective transportation service of comparable quality and standards or unless the agency has satisfied the requirements of subsection (3).

(3) Not procure transportation disadvantaged services without initially negotiating with the commission, as provided in s. 287.057(5)(f)13., or unless otherwise authorized by statute. If the purchasing agency, after consultation with the commission, determines that it cannot reach mutually acceptable contract terms with the commission, the purchasing agency may contract for the same transportation services provided in a more cost-effective manner and of comparable or higher quality and standards. The Medicaid agency shall implement this subsection in a manner consistent with s. 409.908(18) and as otherwise limited or directed by the General Appropriations Act.

(4) Identify in the legislative budget request provided to the Governor each year for the General Appropriations Act the specific amount of money the purchasing agency will allocate to provide transportation disadvantaged services.

(5)(2) Provide the commission, by September 15 of each year, an accounting of all funds spent as well as how many trips were purchased with agency funds.

(6)(3) Assist communities in developing coordinated transportation systems designed to serve the transportation disadvantaged. However, a purchasing agency member department may not serve as the community transportation coordinator in any designated service area.

(7)(4) ~~Ensure~~ ^{Assure} that its rules, procedures, guidelines, and directives are conducive to the coordination of transportation funds and services for the transportation disadvantaged.

(8)(5) Provide technical assistance, as needed, to community transportation coordinators or transportation operators or participating agencies.

Section 6. Subsections (2) and (3) of section 427.015, Florida Statutes, are amended to read:

427.015 Function of the metropolitan planning organization or designated official planning agency in coordinating transportation for the transportation disadvantaged.—

(2) Each metropolitan planning organization or designated official planning agency shall recommend to the commission a single community transportation coordinator. However, a purchasing agency member department may not serve as the community transportation coordinator in any designated service area. The coordinator may provide all or a portion of needed transportation services for the transportation disadvantaged but shall be responsible for the provision of those coordinated services. Based on approved commission evaluation criteria, the coordinator shall subcontract or broker those services that are more cost-effectively and efficiently provided by subcontracting or brokering. The performance of the coordinator shall be evaluated based on the commission's approved evaluation criteria by the coordinating board at least annually. A copy of the evaluation shall be submitted to the metropolitan planning organization or the designated official planning agency, and the commission. The recommendation or termination of any community transportation coordinator shall be subject to approval by the commission.

(3) Each metropolitan planning organization or designated official planning agency shall request each local government in its jurisdiction to provide the actual expenditures ~~an estimate~~ of all local and direct federal funds to be expended for transportation for the disadvantaged. The metropolitan planning organization or designated official planning agency shall consolidate this information into a single report and forward it, by September 15 the beginning of each fiscal year, to the commission.

Section 7. Subsection (7) of section 427.0155, Florida Statutes, is amended to read:

427.0155 Community transportation coordinators; powers and duties.—Community transportation coordinators shall have the following powers and duties:

(7) In cooperation with the coordinating board and pursuant to criteria developed by the Commission for the Transportation Disadvantaged, establish *eligibility guidelines* and priorities with regard to the recipients of nonsponsored transportation disadvantaged services that are purchased with Transportation Disadvantaged Trust Fund moneys.

Section 8. Subsection (4) of section 427.0157, Florida Statutes, is amended to read:

427.0157 Coordinating boards; powers and duties.—The purpose of each coordinating board is to develop local service needs and to provide information, advice, and direction to the community transportation coordinators on the coordination of services to be provided to the transportation disadvantaged. The commission shall, by rule, establish the membership of coordinating boards. The members of each board shall be appointed by the metropolitan planning organization or designated official planning agency. The appointing authority shall provide each board with sufficient staff support and resources to enable the board to fulfill its responsibilities under this section. Each board shall meet at least quarterly and shall:

(4) Assist the community transportation coordinator in establishing *eligibility guidelines* and priorities with regard to the recipients of nonsponsored transportation disadvantaged services that are purchased with Transportation Disadvantaged Trust Fund moneys.

Section 9. Subsections (2) and (3) of section 427.0158, Florida Statutes, are amended to read:

427.0158 School bus and public transportation.—

(2) The school boards shall cooperate in the utilization of their vehicles to enhance coordinated ~~disadvantaged~~ transportation *disadvantaged services* by providing the information as requested by the community transportation coordinator required by this section and by allowing the use of their vehicles at actual cost upon request when those vehicles are available for such use and are not transporting students. ~~Semiannually, no later than October 1 and April 30, a designee from the local school board shall provide the community transportation coordinator with copies to the coordinated transportation board, the following information for vehicles not scheduled 100 percent of the time for student transportation use:~~

(a) ~~The number and type of vehicles by adult capacity, including days and times, that the vehicles are available for coordinated transportation disadvantaged services;~~

(b) ~~The actual cost per mile by vehicle type available;~~

(c) ~~The actual driver cost per hour;~~

(d) ~~Additional actual cost associated with vehicle use outside the established workday or workweek of the entity; and~~

(e) ~~Notification of lead time required for vehicle use.~~

(3) The public transit fixed route or fixed schedule system shall cooperate in the utilization of its regular service to enhance coordinated transportation disadvantaged services by providing the information as requested by the community transportation coordinator required by this section. ~~Annually, no later than October 1, a designee from the local public transit fixed route or fixed schedule system shall provide The community transportation coordinator may request, without limitation, with copies to the coordinated transportation board, the following information:~~

(a) A copy of all current schedules, route maps, system map, and fare structure;

(b) A copy of the current charter policy;

(c) A copy of the current charter rates and hour requirements; and

(d) Required notification time to arrange for a charter.

Section 10. Subsection (4) is added to section 427.0159, Florida Statutes, to read:

427.0159 Transportation Disadvantaged Trust Fund.—

(4) *A purchasing agency may deposit funds into the Transportation Disadvantaged Trust Fund for the commission to implement, manage, and administer the purchasing agency's transportation disadvantaged funds, as defined in s. 427.011(10).*

Section 11. Paragraph (b) of subsection (1) and subsection (2) of section 427.016, Florida Statutes, are amended to read:

427.016 Expenditure of local government, state, and federal funds for the transportation disadvantaged.—

(1)

(b) ~~Nothing in~~ This subsection ~~does not shall be construed to limit or preclude a purchasing the Medicaid agency from establishing maximum fee schedules, individualized reimbursement policies by provider type, negotiated fees, competitive bidding, or any other mechanism, including contracting after initial negotiation with the commission, which that the agency considers more cost-effective and of comparable or higher quality and standards than those of the commission efficient and effective for the purchase of services on behalf of its Medicaid clients if it has fulfilled the requirements of s. 427.0135(3) or the procedure for using an alternative provider.~~ State and local agencies shall not contract for any transportation disadvantaged services, including Medicaid reimbursable transportation services, with any community transportation coordinator or transportation operator that has been determined by the Agency for Health Care Administration, the Department of Legal Affairs Medicaid Fraud Control Unit, or any state or federal agency to have engaged in any abusive or fraudulent billing activities.

(2) Each year, each agency, whether or not it is an *ex officio*, nonvoting advisor to a member of the Commission for the Transportation Disadvantaged, shall identify in the legislative budget request provided to the Governor for the General Appropriations Act ~~inform the commission in writing, before the beginning of each fiscal year, of the specific amount of any money the agency will allocate allocated for the provision of transportation disadvantaged services.~~ Additionally, each state agency shall, by September 15 of each year, provide the commission with an accounting of the actual amount of funds expended and the total number of trips purchased.

Section 12. This act shall take effect July 1, 2008.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to transportation services for the transportation disadvantaged; amending s. 409.908, F.S.; authorizing the Agency for Health Care Administration to continue to contract for Medicaid non-emergency transportation services in a specified agency service area with managed care plans under certain conditions; amending s. 427.011, F.S.; revising definitions; defining the term “purchasing agency”; amending s. 427.012, F.S.; revising the number of members required for a quorum at a meeting of the Commission for the Transportation Disadvantaged; amending s. 427.013, F.S.; revising responsibilities of the commission; deleting a requirement that the commission establish by rule acceptable ranges of trip costs; removing a provision for functioning and oversight of the quality assurance and management review program; requiring the commission to incur expenses for promotional services and items; amending s. 427.0135, F.S.; revising and creating duties and responsibilities for agencies that purchase transportation services for the transportation disadvantaged; providing requirements for the payment of rates; requiring an agency to negotiate with the commission before procuring transportation disadvantaged services; requiring an agency to identify its allocation for transportation disadvantaged services in its legislative budget request; amending s. 427.015, F.S.; revising provisions relating to the function of the metropolitan planning organization or designated official planning agency; amending s. 427.0155, F.S.; revising duties of community transportation coordinators; amending s. 427.0157, F.S.; revising duties of coordinating boards; amending s. 427.0158, F.S.; deleting provisions requiring the school board to provide information relating to school buses to the transportation coordinator; providing for the transportation coordinator to request certain information regarding public transportation; amending s. 427.0159, F.S.; revising provisions relating to the Transportation Disadvantaged Trust Fund; providing for the deposit of funds by an agency purchasing transportation services; amending s. 427.016, F.S.; providing for construction and application of specified provisions to certain acts of a purchasing agency in lieu of the Medicaid agency; requiring that an

agency identify the allocation of funds for transportation disadvantaged services in its legislative budget request; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for HB 1175** as amended was placed on the calendar of Bills on Third Reading.

By Senator Villalobos—

CS for SB 800—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.0515, F.S.; revising the criteria under which certain employees of the Department of Law Enforcement, the Division of State Fire Marshal, or a local government law enforcement agency or medical examiner's office are eligible for membership in the Special Risk Class; authorizing the Department of Management Services to review the special risk designation of certain members; authorizing certain members to purchase additional retirement credit to upgrade prior service to Special Risk Class service; providing for the calculation of contributions for such service upgrade; authorizing the employer to purchase such additional credit for certain members; providing a declaration of important state interest; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 800** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB 802** was deferred.

By Senator Joyner—

CS for CS for SB 858—A bill to be entitled An act relating to community service for infractions of noncriminal traffic offenses; amending s. 318.18, F.S.; requiring a court to allow a person to satisfy a civil penalty for an infraction of a noncriminal traffic offense by participating in community service if the person is unable to pay the civil penalty due to a demonstrable financial hardship; requiring that a person participating in community service receive credit for the civil penalty at the specified hourly credit rate per hour of community service performed or at the prevailing wage rate for a trade or profession; defining the term “specified hourly credit rate”; providing responsibilities for community service agencies; defining the terms “community service” and “community service agency”; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Joyner, the rules were waived to allow the following amendment to be considered:

Senator Joyner moved the following amendment which was adopted:

Amendment 1 (709076)—Delete line(s) 61-65 and insert:

4. As used in this paragraph, the term:

Pursuant to Rule 4.19, **CS for CS for SB 858** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By Senator Diaz de la Portilla—

CS for SB 940—A bill to be entitled An act relating to employee leasing companies; providing a short title; amending s. 443.036, F.S.; redefining the term “employee leasing company”; amending s. 443.1216, F.S.; requiring quarterly reports that include client and establishment specific information; authorizing the Agency for Workforce Innovation to adopt rules; providing enforcement authority; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 940** was placed on the calendar of Bills on Third Reading.

By Senator Diaz de la Portilla—

CS for SB 948—A bill to be entitled An act relating to concealed weapons licenses; amending s. 790.06, F.S.; specifying that the United States residency required to obtain a license to carry a concealed weapon or firearm means that the licensee must be a United States citizen or a permanent resident alien of the United States; providing legislative intent; providing applicability; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Diaz de la Portilla, the rules were waived to allow the following amendment to be considered:

Senator Diaz de la Portilla moved the following amendment which was adopted:

Amendment 1 (105624)(with directory and title amendments)—Delete lines 15-107 and insert:

(1) The Department of Agriculture and Consumer Services is authorized to issue licenses to carry concealed weapons or concealed firearms to persons qualified as provided in this section. Each such license must bear a color photograph of the licensee. For the purposes of this section, concealed weapons or concealed firearms are defined as a handgun, electronic weapon or device, tear gas gun, knife, or billie, but the term does not include a machine gun as defined in s. 790.001(9). Such licenses shall be valid throughout the state for a period of 7 ½ years from the date of issuance. Any person in compliance with the terms of such license may carry a concealed weapon or concealed firearm notwithstanding the provisions of s. 790.01. The licensee must carry the license, together with valid identification, at all times in which the licensee is in actual possession of a concealed weapon or firearm and must display both the license and proper identification upon demand by a law enforcement officer. Violations of the provisions of this subsection shall constitute a noncriminal violation with a penalty of \$25, payable to the clerk of the court.

(2) The Department of Agriculture and Consumer Services shall issue a license if the applicant:

(a) Is a resident of the United States *and a citizen of the United States or a permanent resident alien of the United States, as determined by the United States Bureau of Citizenship and Immigration Services*, or is a consular security official of a foreign government that maintains diplomatic relations and treaties of commerce, friendship, and navigation with the United States and is certified as such by the foreign government and by the appropriate embassy in this country;

(b) Is 21 years of age or older;

(c) Does not suffer from a physical infirmity which prevents the safe handling of a weapon or firearm;

(d) Is not ineligible to possess a firearm pursuant to s. 790.23 by virtue of having been convicted of a felony;

(e) Has not been committed for the abuse of a controlled substance or been found guilty of a crime under the provisions of chapter 893 or similar laws of any other state relating to controlled substances within a 3-year period immediately preceding the date on which the application is submitted;

(f) Does not chronically and habitually use alcoholic beverages or other substances to the extent that his or her normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses alcoholic beverages or other substances to the extent that his or her normal faculties are impaired if the applicant has been committed under chapter 397 or under the provisions of former chapter 396 or has been convicted under s. 790.151 or has been deemed a habitual offender under s. 856.011(3), or has had two or more convictions under s. 316.193 or similar laws of any other state, within the 3-year period immediately preceding the date on which the application is submitted;

(g) Desires a legal means to carry a concealed weapon or firearm for lawful self-defense;

(h) Demonstrates competence with a firearm by any one of the following:

1. Completion of any hunter education or hunter safety course approved by the Fish and Wildlife Conservation Commission or a similar agency of another state;

2. Completion of any National Rifle Association firearms safety or training course;

3. Completion of any firearms safety or training course or class available to the general public offered by a law enforcement, junior college, college, or private or public institution or organization or firearms training school, utilizing instructors certified by the National Rifle Association, Criminal Justice Standards and Training Commission, or the Department of Agriculture and Consumer Services;

4. Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of law enforcement or security enforcement;

5. Presents evidence of equivalent experience with a firearm through participation in organized shooting competition or military service;

6. Is licensed or has been licensed to carry a firearm in this state or a county or municipality of this state, unless such license has been revoked for cause; or

7. Completion of any firearms training or safety course or class conducted by a state-certified or National Rifle Association certified firearms instructor;

A photocopy of a certificate of completion of any of the courses or classes; or an affidavit from the instructor, school, club, organization, or group that conducted or taught said course or class attesting to the completion of the course or class by the applicant; or a copy of any document which shows completion of the course or class or evidences participation in firearms competition shall constitute evidence of qualification under this paragraph; any person who conducts a course pursuant to subparagraph 2., subparagraph 3., or subparagraph 7., or who, as an instructor, attests to the completion of such courses, must maintain records certifying that he or she observed the student safely handle and discharge the firearm;

(i) Has not been adjudicated an incapacitated person under s. 744.331, or similar laws of any other state, unless 5 years have elapsed since the applicant's restoration to capacity by court order;

(j) Has not been committed to a mental institution under chapter 394, or similar laws of any other state, unless the applicant produces a certificate from a licensed psychiatrist that he or she has not suffered from disability for at least 5 years prior to the date of submission of the application;

(k) Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony or misdemeanor crime of domestic violence unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled, or the record has been sealed or expunged;

(l) Has not been issued an injunction that is currently in force and effect and that restrains the applicant from committing acts of domestic violence or acts of repeat violence; and

(m) Is not prohibited from purchasing or possessing a firearm by any other provision of Florida or federal law.

(13) All moneys collected by the department pursuant to this section shall be deposited in the Division of Licensing Trust Fund, and the Legislature shall appropriate from the fund those amounts deemed necessary to administer the provisions of this section. All revenues collected, less those costs determined by the Department of Agriculture and Consumer Services to be nonrecurring or one-time costs, shall be deferred over the 7-year ~~3-year~~ licensure period. Notwithstanding the provisions of s. 493.6117, all moneys collected pursuant to this section shall not revert to the General Revenue Fund; however, this shall not abrogate the requirement for payment of the service charge imposed pursuant to chapter 215.

And the directory clause is amended as follows:

Delete line 12 and insert:

Section 1. Subsections (1), (2), and (13) of section 790.06, Florida
And the title is amended as follows:

On line 3, after the semicolon (;) insert: extending the period that a license is valid;

Pursuant to Rule 4.19, **CS for SB 948** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By Senator Crist—

CS for SB 1090—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 409.821, F.S., relating to a public-records exemption for certain records pertaining to the Florida Kidcare program; clarifying provisions authorizing the release of certain information to the legal guardian of an enrollee; saving the exemption from repeal under the Open Government Sunset Review Act; repealing s. 2, chapter 2003-104, Laws of Florida; deleting provisions providing for repeal of the exemption; repealing s. 624.91(8), F.S., relating to a public-records exemption for the Florida Healthy Kids Corporation; providing an effective date.

—was read the second time by title.

MOTION

On motion by Senator Crist, the rules were waived to allow the following amendment to be considered:

Senator Dawson offered the following amendment which was moved by Senator Crist and adopted:

Amendment 1 (842658)—Delete lines 30-39 and insert:

1. Another governmental entity *in the performance of only if disclosure is necessary for the entity to perform its official duties and responsibilities; under the Florida Kidcare program and shall be disclosed to*

2. The Department of Revenue for purposes of administering the state Title IV-D program; *or, The receiving governmental entity must maintain the confidential and exempt status of such information. Furthermore, such information may not be released to*

3. Any person *who has without* the written consent of the

Pursuant to Rule 4.19, **CS for SB 1090** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for CS for SB's 1094 and 326—A bill to be entitled An act relating to the regulation of releases from gambling vessels; creating s. 376.25, F.S.; providing a short title; providing definitions; requiring gambling vessels operating in coastal waters of the state to register with the Department of Environmental Protection; specifying the requirements for vessel registration; requiring the owners of certain waterfront-landing facilities to establish procedures concerning the release of waste from gambling vessels; requiring that such owners make available a waste-management service meeting specified criteria; requiring that such owners establish and collect certain fees; requiring that the department maintain on its website an estimate of the minimum waste-service demand of such waterfront-landing facilities; providing criteria governing the estimate; requiring the reporting of the release of certain substances into coastal waters by gambling vessels; providing civil penalties for violations; providing for the department to establish and collect fees meeting specified criteria; requiring the department to adopt rules; providing exemptions and legislative intent; directing the department to seek federal approval to amend Florida's Coastal Zone Management Plan and, upon such approval, to petition the Federal Government, via consistency review under the federal Coastal Zone Management Act, to prohibit certain releases from gambling vessels within the federal territorial waters off the shores of this state; directing the department to petition the Federal Government to prohibit certain releases from gambling vessels independently of such approval; providing an effective date.

—was read the second time by title. On motions by Senator Haridopolos, by two-thirds vote **CS for CS for SB's 1094 and 326** was read

the third time by title, passed and immediately certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dockery	Lynn
Aronberg	Fasano	Margolis
Atwater	Gaetz	Oelrich
Baker	Garcia	Peaden
Bennett	Geller	Posey
Bullard	Haridopolos	Rich
Carlton	Hill	Ring
Constantine	Jones	Saunders
Crist	Joyner	Siplin
Dean	Justice	Villalobos
Deutch	King	Webster
Diaz de la Portilla	Lawson	Wise

Nays—1

Storms

Vote after roll call:

Nay to Yea—Storms

By Senator Jones—

CS for SB 1206—A bill to be entitled An act relating to public accountancy; amending s. 473.306, F.S.; revising prerequisites for taking the examination for licensure as a certified public accountant; eliminating certain obsolete provisions; amending s. 473.308, F.S.; revising and updating the requirements for education and work experience; requiring the Board of Accountancy to adopt rules governing requirements for work experience; clarifying provisions that specify what constitutes good moral character for purposes of qualifying for licensure as a certified public accountant; revising provisions governing licensure by endorsement; amending s. 473.323, F.S.; correcting a cross-reference; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1206** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1440** was deferred.

By Senator Peaden—

CS for CS for SB 1598—A bill to be entitled An act relating to health insurance; amending ss. 627.42395 and 641.31, F.S.; requiring health insurance policies and health maintenance contracts in this state to provide additional premium coverage for amino-acid-based elemental formulas for the treatment of certain medical conditions; revising a prerequisite concerning such coverage to authorize persons holding certain licenses to prescribe or order such formulas; limiting application to children of a certain age; amending s. 627.6741, F.S.; requiring an insurer issuing Medicare supplement policies to offer a Medicare supplement policy without conditioning the issuance or discriminating in the price based on health status to individuals who are eligible for Medicare due to having end-stage renal disease and who meet other conditions; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1598** was placed on the calendar of Bills on Third Reading.

By Senator Baker—

CS for CS for CS for SB 1684—A bill to be entitled An act relating to title insurance; creating the Florida 2008 Title Insurance Study Advisory Council; providing for membership; providing for administrative

support for the council; providing responsibilities of the council; authorizing the council to invite independent actuaries to provide certain information; requiring the Office of Program Policy Analysis and Government Accountability to conduct a review and report to the council; requiring that the report be submitted to the council by a certain date; providing council meeting requirements; requiring the council to file a report with the Governor and the Legislature; providing for termination of the council; providing appropriations and authorizing additional positions; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for SB 1684** was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker, the Senate resumed consideration of—

CS for CS for SB 1696—A bill to be entitled An act relating to orthotics, prosthetics, and pedorthics; amending s. 468.80, F.S.; providing and revising definitions; amending s. 468.801, F.S.; changing the composition of the Board of Orthotists and Prosthetists; removing an obsolete requirement for initial staggering of terms; amending s. 468.802, F.S.; expanding the authority for rule adoption to include standards of practice for orthotic fitters, orthotic fitter assistants, and residents; amending s. 468.803, F.S.; providing for registration for a resident to practice orthotics or prosthetics; authorizing licensure as a prosthetist-orthotist; providing requirements for such licensure; requiring applicants for registration, examination, or licensure to apply on forms created and provided by the Department of Health; requiring applicants to submit fingerprints and a fee to cover department costs for criminal background checks; requiring board verification of certain information prior to an applicant's examination, registration, or licensure; providing requirements for registration as a resident in orthotics or prosthetics; providing for registration and renewal fees for registration; authorizing either the Department of Health to develop and administer a state examination for an orthotist or prosthetist license or the board to approve an existing examination of a national standards organization; providing examination requirements; authorizing examination fees; delineating applicant qualifications for examination; delineating requirements for licensure and licensure fees for an orthotist, a prosthetist, an orthotic fitter, an orthotic fitter assistant, and a pedorthist; amending s. 468.806, F.S.; revising the list of materials required for submission for biennial license renewal, including information necessary to conduct a statewide criminal history check and payment of associated costs; requiring certain mandatory courses, standards, and qualifications for continuing education courses, and standards and qualifications for course providers to be established by rule; repealing s. 468.807, F.S., relating to the issuance of a temporary license; amending s. 468.808, F.S.; revising duties that can be delegated to unlicensed support personnel; providing requirements for support personnel identification; amending s. 468.809, F.S.; including the practice of orthotics, prosthetics, or pedorthics without registration in certain prohibitions; providing penalties; creating s. 468.8095, F.S.; requiring licensees and registrants to post licenses, registrations, recent photographs, and certain notices in a facility and to wear certain identification tags or badges; amending s. 468.811, F.S.; revising grounds for denial of a license or disciplinary action; providing grounds for denial of registration; amending s. 468.812, F.S.; revising provisions exempting certain persons from licensure; amending s. 468.813, F.S.; revising requirements regarding use of titles; providing effective dates.

—which was previously considered and amended April 24.

POINT OF ORDER DISPOSITION

Pending **Amendment 2 (083782)** by Senator Baker and pending point of order by Senator Margolis were withdrawn.

Pursuant to Rule 4.19, **CS for CS for SB 1696** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for SB 1706—A bill to be entitled An act relating to developments of regional impact; amending s. 380.06, F.S.; exempting proposed developments involving medical technology, biotechnology, or life sciences

which meet certain criteria from review as a development of regional impact; providing an effective date.

—was read the second time by title.

Senator Margolis moved the following amendment which was adopted:

Amendment 1 (238630)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (c) of subsection (19) and subsection (24) of section 380.06, Florida Statutes, are amended to read:

380.06 Developments of regional impact.—

(19) SUBSTANTIAL DEVIATIONS.—

(c) An extension of the date of buildout of a development, or any phase thereof, by more than 7 years is presumed to create a substantial deviation subject to further development-of-regional-impact review. An extension of the date of buildout, or any phase thereof, of more than 5 years but not more than 7 years is presumed not to create a substantial deviation. The extension of the date of buildout of an areawide development of regional impact by more than 5 years but less than 10 years is presumed not to create a substantial deviation. These presumptions may be rebutted by clear and convincing evidence at the public hearing held by the local government. An extension of 5 years or less is not a substantial deviation. For the purpose of calculating when a buildout or phase date has been exceeded, the time shall be tolled during the pendency of administrative or judicial proceedings relating to development permits. Any extension of the buildout date of a project or a phase thereof shall automatically extend the commencement date of the project, the termination date of the development order, the expiration date of the development of regional impact, and the phases thereof if applicable by a like period of time. In recognition of the 2007 real estate market conditions, all *development order* phase, buildout, commencement, and expiration dates and all related local government approvals for projects that are developments of regional impact or *Florida Quality Developments* and under active construction on July 1, 2007, or for which a development order was adopted between January 1, 2006, and July 1, 2007, regardless of whether or not active construction has commenced, are extended for 3 years regardless of any prior extension. The 3-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection. *This extension also applies to all associated local government approvals, including, but not limited to, agreements, certificates, and permits related to the project.*

(24) STATUTORY EXEMPTIONS.—

(a) Any proposed hospital is exempt from the provisions of this section.

(b) Any proposed electrical transmission line or electrical power plant is exempt from the provisions of this section.

(c) Any proposed addition to an existing sports facility complex is exempt from the provisions of this section if the addition meets the following characteristics:

1. It would not operate concurrently with the scheduled hours of operation of the existing facility.

2. Its seating capacity would be no more than 75 percent of the capacity of the existing facility.

3. The sports facility complex property is owned by a public body prior to July 1, 1983.

This exemption does not apply to any pari-mutuel facility.

(d) Any proposed addition or cumulative additions subsequent to July 1, 1988, to an existing sports facility complex owned by a state university is exempt if the increased seating capacity of the complex is no more than 30 percent of the capacity of the existing facility.

(e) Any addition of permanent seats or parking spaces for an existing sports facility located on property owned by a public body prior to July

1, 1973, is exempt from the provisions of this section if future additions do not expand existing permanent seating or parking capacity more than 15 percent annually in excess of the prior year's capacity.

(f) Any increase in the seating capacity of an existing sports facility having a permanent seating capacity of at least 50,000 spectators is exempt from the provisions of this section, provided that such an increase does not increase permanent seating capacity by more than 5 percent per year and not to exceed a total of 10 percent in any 5-year period, and provided that the sports facility notifies the appropriate local government within which the facility is located of the increase at least 6 months prior to the initial use of the increased seating, in order to permit the appropriate local government to develop a traffic management plan for the traffic generated by the increase. Any traffic management plan shall be consistent with the local comprehensive plan, the regional policy plan, and the state comprehensive plan.

(g) Any expansion in the permanent seating capacity or additional improved parking facilities of an existing sports facility is exempt from the provisions of this section, if the following conditions exist:

1.a. The sports facility had a permanent seating capacity on January 1, 1991, of at least 41,000 spectator seats;

b. The sum of such expansions in permanent seating capacity does not exceed a total of 10 percent in any 5-year period and does not exceed a cumulative total of 20 percent for any such expansions; or

c. The increase in additional improved parking facilities is a one-time addition and does not exceed 3,500 parking spaces serving the sports facility; and

2. The local government having jurisdiction of the sports facility includes in the development order or development permit approving such expansion under this paragraph a finding of fact that the proposed expansion is consistent with the transportation, water, sewer and storm-water drainage provisions of the approved local comprehensive plan and local land development regulations relating to those provisions.

Any owner or developer who intends to rely on this statutory exemption shall provide to the department a copy of the local government application for a development permit. Within 45 days of receipt of the application, the department shall render to the local government an advisory and nonbinding opinion, in writing, stating whether, in the department's opinion, the prescribed conditions exist for an exemption under this paragraph. The local government shall render the development order approving each such expansion to the department. The owner, developer, or department may appeal the local government development order pursuant to s. 380.07, within 45 days after the order is rendered. The scope of review shall be limited to the determination of whether the conditions prescribed in this paragraph exist. If any sports facility expansion undergoes development-of-regional-impact review, all previous expansions which were exempt under this paragraph shall be included in the development-of-regional-impact review.

(h) Expansion to port harbors, spoil disposal sites, navigation channels, turning basins, harbor berths, and other related inwater harbor facilities of ports listed in s. 403.021(9)(b), port transportation facilities and projects listed in s. 311.07(3)(b), and intermodal transportation facilities identified pursuant to s. 311.09(3) are exempt from the provisions of this section when such expansions, projects, or facilities are consistent with comprehensive master plans that are in compliance with the provisions of s. 163.3178.

(i) Any proposed facility for the storage of any petroleum product or any expansion of an existing facility is exempt from the provisions of this section.

(j) Any renovation or redevelopment within the same land parcel which does not change land use or increase density or intensity of use.

(k) Waterport and marina development, including dry storage facilities, are exempt from the provisions of this section.

(l) Any proposed development within an urban service boundary established under s. 163.3177(14) is exempt from the provisions of this section if the local government having jurisdiction over the area where the development is proposed has adopted the urban service boundary, has entered into a binding agreement with jurisdictions that would be

impacted and with the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate share methodology pursuant to s. 163.3180(16).

(m) Any proposed development within a rural land stewardship area created under s. 163.3177(11)(d) is exempt from the provisions of this section if the local government that has adopted the rural land stewardship area has entered into a binding agreement with jurisdictions that would be impacted and the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate share methodology pursuant to s. 163.3180(16).

(n) Any proposed development or redevelopment within an area designated as an urban infill and redevelopment area under s. 163.2517 is exempt from this section if the local government has entered into a binding agreement with jurisdictions that would be impacted and the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate share methodology pursuant to s. 163.3180(16).

(o) The establishment, relocation, or expansion of any military installation as defined in s. 163.3175, is exempt from this section.

(p) Any self-storage warehousing that does not allow retail or other services is exempt from this section.

(q) Any proposed nursing home or assisted living facility is exempt from this section.

(r) Any development identified in an airport master plan and adopted into the comprehensive plan pursuant to s. 163.3177(6)(k) is exempt from this section.

(s) Any development identified in a campus master plan and adopted pursuant to s. 1013.30 is exempt from this section.

(t) Any development in a specific area plan which is prepared pursuant to s. 163.3245 and adopted into the comprehensive plan is exempt from this section.

(u) *Any development within a county having a population greater than 1.25 million which is proposed for at least two uses, one of which is for use as an office or laboratory appropriate for the research and development of medical technology, biotechnology, or life science applications, is exempt from this section if:*

1. *The land is located in a designated urban infill area or within 5 miles of a state-supported biotechnical research facility or if a local government having jurisdiction recognizes, by resolution, that the land is located in a compact, high-intensity, and high-density multiuse area that is appropriate for intensive growth.*

2. *The land is located within three-fourths of 1 mile from one or more bus or light rail transit stops.*

3. *The development is registered with the United States Green Building Council and there is an intent to apply for certification of each building under the Leadership in Energy and Environmental Design rating program, or the development is registered by an alternate green building rating system that a local government having jurisdiction finds appropriate, by resolution.*

(v) ~~(u)~~ Any development within a county with a research and education authority created by special act and that is also within a research and development park that is operated or managed by a research and development authority pursuant to part V of chapter 159 is exempt from this section.

If a use is exempt from review as a development of regional impact under paragraphs (a)-(u) ~~(a)-(t)~~, but will be part of a larger project that is subject to review as a development of regional impact, the impact of the exempt use must be included in the review of the larger project.

Section 2. This act shall take effect July 1, 2008.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to developments of regional impact; amending

s. 380.06, F.S.; revising criteria for extending application of certain deadline dates and approvals for developments of regional impact; providing an additional statutory exemption for certain developments in certain counties; providing requirements and limitations; providing an effective date.

On motions by Senator Margolis, by two-thirds vote **CS for SB 1706** as amended was read the third time by title, passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fasano	Oelrich
Aronberg	Gaetz	Peaden
Atwater	Garcia	Posey
Baker	Geller	Rich
Bennett	Haridopolos	Ring
Bullard	Hill	Saunders
Carlton	Jones	Siplin
Constantine	Joyner	Storms
Crist	Justice	Villalobos
Dean	King	Webster
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Margolis	
Nays—None		

Consideration of **CS for CS for SB 1762** was deferred.

On motion by Senator Lynn—

CS for SB 1768—A bill to be entitled An act relating to university tuition; amending s. 1009.24, F.S.; revising requirements for the Board of Governors in establishing tuition and out-of-state fees for graduate and professional programs; revising requirements for the Board of Governors in establishing a uniform maximum undergraduate tuition differential for universities that have research and development expenditures of a specified amount; allowing the university board of trustees to maintain the differential unless otherwise directed by the Board of Governors; providing an exemption from payment of the tuition differential for beneficiaries of a prepaid tuition contract that was in effect on July 1, 2008; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for SB 1768** to **CS for CS for HB 745**.

Pending further consideration of **CS for SB 1768** as amended, on motion by Senator Lynn, by two-thirds vote **CS for CS for HB 745** was withdrawn from the Committee on Health and Human Services Appropriations.

On motion by Senator Lynn, the rules were waived and—

CS for CS for HB 745—A bill to be entitled An act relating to postsecondary education; amending s. 216.136, F.S.; revising provisions relating to student enrollment projections, and adjustments thereto, for the state educational system developed by the Education Estimating Conference; amending s. 1005.32, F.S.; revising requirements for application for licensure by accreditation by an independent postsecondary educational institution; amending s. 1007.24, F.S.; revising provisions regarding determination of equivalency of courses; amending s. 1009.01, F.S.; providing definitions relating to postsecondary education; amending s. 1009.21, F.S.; providing that determination of resident status applies to eligibility for state financial aid awards and tuition assistance grants; revising definitions; revising provisions relating to qualification as a resident for tuition purposes; providing for reclassification of status; providing duties of institutions of higher education; amending s. 1009.22, F.S.; revising provisions relating to the workforce education postsecondary student capital improvement fee; amending s. 1009.23, F.S.; providing an exemption relating to establishment of the community college activity and service student fee; authorizing an increase in the amount of fees collected for financial aid purposes; increasing the

amount of financial aid fees that may be used to assist students who meet specified criteria; authorizing rulemaking; amending s. 1009.24, F.S.; revising provisions relating to state university student fees; providing for the establishment of tuition and fees at the undergraduate and graduate levels and for professional programs; revising provisions relating to use of the student financial aid fee; revising provisions relating to establishment and conditions of the undergraduate tuition differential; amending s. 1009.25, F.S.; revising provisions authorizing student fee exemptions by community colleges; defining “fee-paying student”; amending s. 1009.265, F.S.; revising conditions for the use of state employee fee waivers; amending ss. 1009.98 and 1011.48, F.S.; conforming cross-references; amending s. 196.192, F.S.; specifying educational institutions as exempt entities for purposes of exemptions from ad valorem taxation for property owned by exempt entities; providing an effective date.

—a companion measure, was substituted for **CS for SB 1768** as amended and read the second time by title.

Senator Lynn moved the following amendment which was adopted:

Amendment 1 (202094)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (c) of subsection (4) and subsection (16) of section 1009.24, Florida Statutes, as amended by section 5 of chapter 2007-329, Laws of Florida, are amended to read:

1009.24 State university student fees.—

(4)

(c) The Board of Governors, or the board’s designee, may establish tuition for graduate and professional programs, and out-of-state fees for all programs. The sum of tuition and out-of-state fees assessed to nonresident students must be sufficient to offset the full instructional cost of serving such students. However, adjustments to out-of-state fees or tuition for graduate and professional programs pursuant to this section may not exceed 10 percent in any year *and adjustments to out-of-state fees or tuition for professional programs may not exceed 15 percent in any year.*

(16) The Board of Governors may establish a uniform maximum undergraduate tuition differential that does not exceed 40 percent of tuition for all universities that meet the criteria for Funding Level 1 under s. 1004.635(3), and may establish a uniform maximum undergraduate tuition differential that does not exceed 30 percent of tuition for all universities that *have total research and development expenditures for all fields of at least \$100 million per year as reported annually to the National Science Foundation* ~~meet the criteria for Funding Level 2 under s. 1004.635(3).~~ *Once these criteria have been met and the differential established by the Board of Governors, the board of trustees of a qualified university may maintain the differential unless otherwise directed by the Board of Governors.* However, the board shall ensure that the maximum tuition differential it establishes for universities meeting the Funding Level 1 criteria is at least 30 percent greater than the maximum tuition differential the board establishes for universities that *meet the required Funding Level 2 criteria for research and development expenditures.* The tuition differential is subject to the following conditions:

(a) The sum of tuition and the tuition differential may not be increased by more than 15 percent of the total charged for these fees in the preceding fiscal year.

(b) The tuition differential may not be calculated as a part of the scholarship programs established in ss. 1009.53-1009.537.

(c) Beneficiaries having prepaid tuition contracts pursuant to s. 1009.98(2)(b) which were in effect on July 1, 2007, and which remain in effect, are exempt from the payment of the tuition differential.

(d) The tuition differential may not be charged to any student who was in attendance at the university before July 1, 2007, and who maintains continuous enrollment.

(e) The tuition differential may be waived by the university for students who meet the eligibility requirements for the Florida public student assistance grant established in s. 1009.50.

(f) A university board of trustees that has been authorized by the Board of Governors to establish a tuition differential pursuant to this subsection may establish the tuition differential at a rate lower than the maximum tuition differential established by the board, but may not exceed the maximum tuition differential established by the board.

(g) The revenue generated from the tuition differential must be spent solely for improving the quality of direct undergraduate instruction and support services.

(h) Information relating to the annual receipt and expenditure of the proceeds from the assessment of the tuition differential shall be reported by the university in accordance with guidelines established by the Board of Governors.

Section 2. This act shall take effect July 1, 2008.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to university tuition; amending s. 1009.24, F.S.; revising requirements for the Board of Governors in establishing tuition and out-of-state fees for graduate and professional programs; revising requirements for the Board of Governors in establishing a uniform maximum undergraduate tuition differential for universities that have research and development expenditures of a specified amount; allowing the university board of trustees to maintain the differential unless otherwise directed by the Board of Governors; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for HB 745** as amended was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1914** and **CS for SB 1954** was deferred.

By Senator Posey—

CS for SB 2044—A bill to be entitled An act relating to selling, giving, or serving alcoholic beverages to persons under 21 years of age; amending s. 562.11, F.S.; increasing the penalty imposed for a second or subsequent offense of selling, giving, or serving alcoholic beverages to a person under 21 years of age within a specified period following the prior offense; providing a defense to such a charge; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2044** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 2094** and **CS for SB 2170** was deferred.

By Senator Baker—

CS for SB 2248—A bill to be entitled An act relating to judicial sales; amending s. 45.031, F.S.; providing for certain sales to be conducted by electronic means; requiring that electronic sales comply with specified procedures; providing exceptions; requiring clerks to provide public access terminals for electronic sales; authorizing clerks to receive electronic payments and deposits related to electronic sales; amending s. 45.035, F.S.; providing a service charge to be received by clerks for sales conducted by electronic means under a specified provision; providing an exception to the fee for moneys in the registry of the court; amending s. 197.542, F.S.; providing for electronic tax deed sales; requiring clerks to provide public access terminals for electronic sales; authorizing clerks to receive electronic payments and deposits related to electronic sales; providing an effective date.

—was read the second time by title.

Senator Baker moved the following amendment which was adopted:

Amendment 1 (656718)—Delete lines 60-72 and insert:

(4) A clerk may conduct an electronic tax deed sale in lieu of public outcry. The clerk must comply with the procedures provided in this chapter, except that electronic proxy bidding shall be allowed and the clerk may require bidders to advance sufficient funds to pay the deposit required by subsection (2). The clerk shall provide access to the electronic sale by computer terminals open to the public at a designated location. A clerk who conducts such electronic sales may receive electronic deposits and payments related to the sale. The portion of an advance deposit required by subsection (2) from a winning bidder shall, upon acceptance of the winning bid, be subject to the fee under s. 28.24(10).

MOTION

On motion by Senator Baker, the rules were waived to allow the following amendments to be considered:

Senator Baker moved the following amendments which were adopted:

Amendment 2 (167048)—Delete line(s) 47-56 and insert:

(3) If the sale is conducted by electronic means, as provided in s. 45.031(10), the clerk shall receive a service charge of \$60 as provided in subsection (1) for services in conducting or contracting for the electronic sale, which service charge shall be assessed as costs and shall be advanced by the plaintiff before the sale. If the clerk requires advance electronic deposits to secure the right to bid, such deposits are not subject to the fee under s. 28.24(10). The portion of an advance deposit from a winning bidder required by s. 45.031(3) shall, upon acceptance of the winning bid, be subject to the fee under s. 28.24(10).

Amendment 3 (386270)(with title amendment)—On line(s) 72, after the period (.) insert: This subsection does not restrict or limit a charter county from conducting electronic tax deed sales. In a charter county where the clerk of the circuit court does not conduct all of its electronic sales, the charter county may receive electronic deposits and payments related to any sales such charter county conducts and to subject the winning bidder to a fee consistent with the schedule in s. 28.24(10).

And the title is amended as follows:

On line(s) 16, after the semicolon (;) insert: providing that a charter county is not restricted or limited from conducting electronic tax deed sales; authorizing a charter county to receive electronic deposits and payments related to the sales such charter county conducts and impose a fee on the winning bidder, if the clerk of the circuit court does not conduct all electronic sales;

Pursuant to Rule 4.19, **CS for SB 2248** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By Senator Aronberg—

CS for CS for SB 2378—A bill to be entitled An act relating to pari-mutuel wagering permitholders; amending s. 550.054, F.S.; providing for a jai alai permitholder meeting certain conditions to apply to the Division of Pari-mutuel Wagering to convert a permit to conduct jai alai to a permit to conduct greyhound racing; directing the division to issue a permit to conduct greyhound racing if certain conditions are met; providing for the relocation of certain permits; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 2378** was placed on the calendar of Bills on Third Reading.

On motion by Senator Constantine—

CS for CS for SB 2640—A bill to be entitled An act relating to the Reduced Cigarette Ignition Propensity Standard and Firefighter Protection Act; creating s. 633.042, F.S.; providing a short title; providing legislative findings and intent; providing definitions; providing cigarette testing methods and performance standards; providing specific testing criteria; requiring manufacturers to provide certain written certification; requiring cigarettes to be marked in specific manners; providing for alternative testing methods under certain circumstances; providing reporting requirements; providing the Division of Alcoholic Beverages and

Tobacco with certain powers and responsibilities; providing certification requirements for manufacturers; providing fee; providing for the deposit of certification fees into the Reduced Cigarette Ignition Propensity and Firefighter Protection Enforcement Trust Fund; providing requirements for the marking of certain cigarette packaging; providing reporting requirements; providing approval requirements for markings submitted to the division by a manufacturer; providing notification requirements; providing fines and penalties; providing for the deposit of penalties into the Fire Prevention and Public Safety Trust Fund; providing the division with rulemaking authority; authorizing certain government entities with inspection powers to examine specified documents of any person in possession, control, or occupancy of any premises where cigarettes are placed, stored, sold, or offered for sale, as well as the stock of cigarettes on the premises; providing that nothing in the act shall be construed to prohibit any person or entity from manufacturing or selling cigarettes that do not meet the specified requirements if such cigarettes are or will be stamped for sale in another state or are packaged for sale outside the United States; providing for repeal upon the enactment of a preemptive federal standard; prohibiting local government units from enacting and enforcing any ordinance or other local law or regulation that conflicts with, or is preempted by, any provision of the act; providing effective dates.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 2640** to **CS for CS for HB 1167**.

Pending further consideration of **CS for CS for SB 2640** as amended, on motion by Senator Constantine, by two-thirds vote **CS for CS for HB 1167** was withdrawn from the Committees on Regulated Industries; Judiciary; and General Government Appropriations.

On motion by Senator Constantine, by two-thirds vote—

CS for CS for HB 1167—A bill to be entitled An act relating to the Reduced Cigarette Ignition Propensity Standard and Firefighter Protection Act; creating s. 633.042, F.S.; providing a short title; providing legislative findings and intent; providing definitions; providing cigarette testing methods and performance standards; providing specific testing criteria; requiring manufacturers to provide certain written certification; requiring cigarettes to be marked in specific manners; providing for alternative testing methods under certain circumstances; providing reporting requirements; providing the Division of Alcoholic Beverages and Tobacco and the State Fire Marshal with certain powers and responsibilities; providing certification requirements for manufacturers; providing requirements for the marking of certain cigarette packaging; providing reporting requirements; providing approval requirements for markings submitted to the division by a manufacturer; providing notification requirements; providing fines and penalties; providing the division and the State Fire Marshal with rulemaking authority; authorizing certain governmental entities with inspection powers to examine specified documents of any person in possession, control, or occupancy of any premises where cigarettes are placed, stored, sold, or offered for sale, as well as the stock of cigarettes on the premises; providing that nothing in the act shall be construed to prohibit any person or entity from manufacturing or selling cigarettes that do not meet the specified requirements if such cigarettes are or will be stamped for sale in another state or are packaged for sale outside the United States; providing for repeal upon the enactment of a preemptive federal standard; prohibiting local government units from enacting and enforcing any ordinance or other local law or regulation that conflicts with, or is preempted by, any provision of the act; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 2640** as amended and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1167** was placed on the calendar of Bills on Third Reading.

By Senator Lawson—

CS for SB 2660—A bill to be entitled An act relating to cultural and historical programs; creating s. 265.7025, F.S.; providing definitions; amending s. 265.703, F.S.; providing for more than one citizen support organization; adding historical and museum programs to those programs that can be assisted by the citizen support organizations of the

Division of Cultural Affairs of the Department of State; revising the name of the trust fund into which funds are deposited; providing that information of the citizen support organization for the Museum of Florida History which is confidential and exempt pursuant to s. 267.17, F.S., retains its status; creating s. 265.704, F.S.; providing powers and duties of the Division of Cultural Affairs related to historical museums; creating s. 265.705, F.S.; providing state policy relating to historic properties; creating s. 265.706, F.S.; authorizing the division to acquire, maintain, preserve, interpret, exhibit, and make available for study certain objects having historical or archaeological value; vesting title of such objects in the division; requiring maintenance of records; requiring inventory of objects of specified value; authorizing the division to loan, exchange, sell, or otherwise transfer certain objects; providing exemptions from ch. 273, F.S.; providing for deposit and use of funds; requiring the adoption of rules; providing a penalty for certain violations by a custodian; providing for insuring of certain items; amending and renumbering s. 267.072, F.S., relating to the Museum of Florida History and its programs; transferring the responsibility for and administration of the Museum of Florida History, its programs, and the citizen support organization for the museum from the Division of Historical Resources to the Division of Cultural Affairs; providing for the operation of additional stores associated with the Museum of Florida History; authorizing the Division of Cultural Affairs to operate other historical museums; conforming provisions to changes made by the act; amending and renumbering s. 267.0619, F.S., relating to historical museum grants under the Division of Historical Resources of the Department of State; transferring the grant program to the Division of Cultural Affairs; conforming provisions to changes made by the act; providing that a for-profit corporation, partnership, or organization is ineligible for receipt of such grants; creating s. 265.709, F.S.; authorizing the Division of Cultural Affairs to promote and encourage the writing of Florida history through certain activities; authorizing the collecting, editing, and publishing of documents related to Florida history; authorizing the division to establish a reasonable charge for such publications; providing for such proceeds to be deposited in the Grants and Donations Trust Fund or certain separate depository accounts; amending s. 267.0612, F.S.; providing a uniform starting date for all appointments to the Florida Historical Commission; amending s. 267.071, F.S.; removing the Museum of Florida History as one of the historical museums that the Division of Historical Resources is required to encourage, promote, maintain, and operate; amending s. 267.0731, F.S.; adding representatives of the Secretary of State to the list of representatives on the ad hoc committee responsible for making recommendations for Great Floridian nominations; deleting references to the citizen support organization for the Museum of Florida History; deleting responsibilities of the Museum of Florida History; requiring the Department of State to be the repository of certain films or videotapes produced concerning a Great Floridian as well as certain items related to such productions; repealing s. 267.174, F.S., relating to the Discovery of Florida Quincentennial Commemoration Commission; amending s. 272.129, F.S.; authorizing a citizen support organization for the Legislative Research Center and Museum at the Historic Capitol, which is known as the “center”; requiring the citizen support organization to be a corporation not for profit; authorizing the citizen support organization to perform certain tasks for the direct and indirect benefit of the center; authorizing the center to prescribe conditions with which the citizen support organization must comply in order to use fixed property or facilities of the center; prohibiting the center from permitting a citizen support organization to use the center’s facilities under certain conditions; requiring that the citizen support organization provide for an annual audit; providing that records of the organization are public records; requiring that certain funds be deposited into the account of the citizen support organization; providing for reversion of funds to the state under certain circumstances; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2660** was placed on the calendar of Bills on Third Reading.

On motion by Senator Posey, by two-thirds vote **CS for HB 1373** was withdrawn from the Committees on Commerce; Finance and Tax; and Transportation and Economic Development Appropriations.

On motion by Senator Posey, by two-thirds vote—

CS for HB 1373—A bill to be entitled An act relating to the qualified defense contractor tax refund program; amending s. 288.1045, F.S.; re-

vising definitions to include space flight businesses and space flight contracts; specifying a methodology and amounts for tax refund payments to qualified defense contractor businesses; revising provisions authorizing qualified applicants to receive refunds of certain taxes; revising application process requirements to include space flight businesses and contracts; revising information requirements for applications for certain qualified applicant certifications; providing employment requirements for space flight business contracts; specifying required information for applications for certification under space flight business contracts; including space flight businesses under provisions authorizing annual claims for refund; revising limitations on payments of tax refunds; revising certain required reductions of amounts of tax refunds; deleting a reporting requirement of tax refunds paid and use of appropriations expended; extending an expiration date; amending ss. 14.2015 and 213.053, F.S.; conforming program references; providing an effective date.

—a companion measure, was substituted for **CS for SB 2666** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1373** was placed on the calendar of Bills on Third Reading.

On motion by Senator Aronberg, by two-thirds vote **HB 1489** was withdrawn from the Committees on Regulated Industries; and Judiciary.

On motion by Senator Aronberg, by two-thirds vote—

HB 1489—A bill to be entitled An act relating to residential tenancies; amending s. 83.43, F.S.; redefining the term “rental agreement”; defining the term “early termination fee”; amending s. 83.595, F.S.; allowing a landlord to terminate a rental agreement and recover liquidated damages or charge the tenant an early termination fee for breach of the agreement, or both, under certain circumstances; requiring the tenant to indicate acceptance of an early termination fee or liquidated-damages provision in the rental agreement in order for the provision to take effect; providing a limit on the combined total of damages and fees; providing liability of the tenant for rent, other charges due, and rental concessions; providing an effective date.

—a companion measure, was substituted for **CS for SB 2716** and by two-thirds vote read the second time by title.

REMARKS

On motion by Senator Aronberg, the following remarks were ordered spread upon the Journal:

Senator Aronberg: This bill passed this chamber last year and passed the House. It was vetoed by the Governor. We think we’ve worked out the issues. This allows a landlord and tenant to agree to come up with liquidated damages/early termination fee of two months, no more than two months rent plus the rent for the month that they are terminating the lease plus accrued charges from that month and that would be the agreed upon penalty instead of current law which allows a landlord to sit back and do nothing and collect rent for the rest of the year, for the rest of the lease. So this is a bill that is good for landlords and good for tenants.

Senator Lawson: Senator Aronberg, I have a series of questions that I would like for you to comment on. In cases of a lease terminated by the tenant, what charges are allowed under this bill?

Senator Aronberg: I appreciate the questions from Senator Lawson and I would like to move that the questions and answers that Senator Lawson and I have on this bill be spread on the record as intent language to make clear exactly what we are trying to do here.

Senator Lawson, your question in the case of a lease termination by a tenant was, “what charges are allowed under this bill?” The answer is 60 days of rent plus unpaid rent and accrued charges to the end of the month in which the tenant terminates the lease. Accrued charges are charges that the tenant pays every month. They are not concessions. We have removed that language from the bill. They are not fees that are waived by the landlord. They are charges, such as cable or water owed by the tenant to the landlord that the tenant actually pays each month.

Senator Lawson: Thank you very much Senator Aronberg. Under this bill, will the landlord be entitled to charge the tenant an additional fee for failing to provide advance notice to the landlord that the tenant will be terminating the lease?

Senator Aronberg: The answer is “No.”

Senator Lawson: I think you might have answered my second question in your explanation on the first one, so I won’t ask that question. I just wanted to make sure that we cleared that up.

Pursuant to Rule 4.19, **HB 1489** was placed on the calendar of Bills on Third Reading.

On motion by Senator Peadar—

CS for CS for SB 2756—A bill to be entitled An act relating to drugs, devices, and cosmetics; amending and reorganizing provisions in part I of ch. 499, F.S.; amending s. 499.002, F.S.; expanding the provisions of the section to include administration and enforcement of, exemptions from, and purpose of the part; amending and redesignating ss. 499.004, 499.0053, 499.07, 499.071, and 499.081, F.S., as provisions in that section relating to such functions to conform; amending s. 499.003, F.S.; revising and providing definitions; amending and redesignating provisions in ss. 499.012, 499.029, and 499.0661, F.S., relating to definitions, as provisions of that section; amending s. 499.005, F.S.; conforming provisions to changes made by the act, including the substitution of the term “prescription drug” for the term “legend drug”; amending s. 499.0051, F.S.; substituting the term “prescription drug” for the term “legend drug” with regard to criminal acts; consolidating criminal act provisions of part I of ch. 499, F.S.; amending and redesignating ss. 499.0052, 499.00535, 499.00545, 499.069, and 499.0691, F.S., as criminal offense provisions in that section; providing penalties; conforming provisions to changes made by the act; amending s. 499.0054, F.S., relating to advertising and labeling of drugs, devices, and cosmetics to include certain exemptions; amending and redesignating ss. 499.0055 and 499.0057, F.S., as provisions relating to those functions in that section; amending s. 499.006, F.S.; conforming provisions to changes made by the act; amending s. 499.007, F.S.; conforming provisions to changes made by the act; providing that a drug or device is misbranded if it is an active pharmaceutical ingredient in bulk form and does not bear a label containing certain information; amending ss. 499.008 and 499.009, F.S.; conforming provisions to changes made by the act; amending s. 499.01, F.S.; providing that the section relates only to permits; requiring a permit to operate as a third party logistics provider and a health care clinic establishment; providing requirements for obtaining a permit to operate in certain capacities; deleting certain permit requirements; providing an exemption for a nonresident prescription drug manufacturer permit; providing requirements for such exemption; providing requirements for a third party logistics provider permit and a health care clinic establishment permit; amending and redesignating provisions of ss. 499.013, and 499.014, F.S., relating to such functions as provisions of that section; conforming provisions and cross-references to changes made by the act; amending s. 499.012, F.S.; providing that the section relates to permit application requirements; providing that a separate establishment permit is not required when a permitted prescription drug wholesale distributor operates temporary transit storage facilities for the sole purpose of storage; amending the provisions to conform; amending and redesignating provisions of s. 499.01, F.S., relating to such functions as provisions of that section; conforming provisions and cross-references to changes made by the act; amending s. 499.01201, F.S.; conforming provisions to changes made by the act; amending s. 499.0121, F.S., relating to storage and handling of prescription drugs and recordkeeping; directing the department to adopt rules requiring a wholesale distributor to maintain pedigree papers separate and distinct from other required records; deleting a requirement that a person who is engaged in the wholesale distribution of a prescription drug and who is not the manufacturer of that drug provide a pedigree paper to the person who receives the drug; deleting the department’s requirement to adopt rules with regard to recordkeeping by affiliated groups; conforming provisions and cross-references to changes made by the act; amending and redesignating a provision of s. 499.013, F.S., relating to such functions as a provision of that section; amending s. 499.01211, F.S.; conforming provisions and cross-references to changes made by the act; creating s. 499.01212, F.S.; requiring a person who is engaged in the wholesale distribution of a prescription drug to provide a pedigree paper to the person who receives the drug; requiring certain information in a

pedigree paper; requiring a wholesale distributor to maintain and make available to the department certain information; providing exceptions to the requirement of a pedigree paper; repealing s. 499.0122, F.S., relating to medical oxygen and veterinary legend drug retail establishments; repealing s. 499.013, F.S., relating to manufacturers and repackagers of drugs, devices, and cosmetics; amending ss. 499.015, 499.024, 499.028, 499.029, and 499.03, F.S.; conforming provisions and cross-references to changes made by the act; amending ss. 499.032 and 499.033, F.S.; conforming terminology to changes made by the act; amending s. 499.039, F.S.; conforming a provision and cross-reference; amending ss. 499.04, F.S.; conforming provisions to changes made by the act; amending s. 499.041, F.S.; conforming provisions to changes made by the act; requiring the department to assess an annual fee for a third part logistic provider permit and a health care clinic establishment permit; amending s. 499.05, F.S.; conforming provisions to changes made by the act; requiring the department to adopt rules with regard to procedures and forms relating to pedigree paper requirements, alternatives to compliance with the requirement of certain pedigree papers, and the return of prescription drugs purchased before a specified date; amending and redesignating provisions of ss. 499.013 and 499.0122, F.S., as provisions relating to rulemaking functions of that section; amending ss. 499.051, 499.052, 499.055, and 499.06, F.S.; conforming provisions to changes made by the act; amending s. 499.062, F.S.; providing that the section relates to seizure and condemnation of drugs, devices, or cosmetics; conforming a provision to changes made by the act; amending and redesignating ss. 499.063 and 499.064, F.S., as provisions relating to such functions in that section; amending ss. 499.065, 499.066, 499.0661, and 499.067, F.S.; conforming provisions and cross-references to changes made by the act; amending ss. 409.9201, 460.403, 465.0265, 794.075, 895.02, and 921.0022, F.S.; conforming provisions to changes made by the act; conforming cross-references to changes made by the act; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for SB 2756 to HB 7049**.

Pending further consideration of **CS for CS for SB 2756** as amended, on motion by Senator Peaden, by two-thirds vote **HB 7049** was withdrawn from the Committees on Health Regulation; and Judiciary.

On motion by Senator Peaden—

HB 7049—A bill to be entitled An act relating to drugs, devices, and cosmetics; amending and reorganizing provisions in part I of ch. 499, F.S.; amending s. 499.002, F.S.; expanding the provisions of the section to include administration and enforcement of, exemptions from, and purpose of the part; amending and redesignating ss. 499.004, 499.0053, 499.07, 499.071, and 499.081, F.S., as provisions in that section relating to such functions to conform; amending s. 499.003, F.S.; revising and providing definitions; amending and redesignating provisions in ss. 499.012, 499.029, and 499.0661, F.S., relating to definitions, as provisions of that section; amending s. 499.005, F.S.; conforming provisions to changes made by the act, including the substitution of the term “prescription drug” for the term “legend drug”; amending s. 499.0051, F.S.; substituting the term “prescription drug” for the term “legend drug” with regard to criminal acts; consolidating criminal act provisions of part I of ch. 499, F.S.; amending and redesignating ss. 499.0052, 499.00535, 499.00545, 499.069, and 499.0691, F.S., as criminal offense provisions in that section; providing penalties; conforming provisions to changes made by the act; amending s. 499.0054, F.S., relating to advertising and labeling of drugs, devices, and cosmetics to include certain exemptions; amending and redesignating ss. 499.0055 and 499.0057, F.S., as provisions relating to those functions in that section; amending s. 499.006, F.S.; conforming provisions to changes made by the act; amending s. 499.007, F.S.; conforming provisions to changes made by the act; providing that a drug or device is misbranded if it is an active pharmaceutical ingredient in bulk form and does not bear a label containing certain information; amending ss. 499.008 and 499.009, F.S.; conforming provisions to changes made by the act; amending s. 499.01, F.S.; providing that the section relates only to permits; providing requirements for obtaining a permit to operate in certain capacities; deleting certain permit requirements; amending and redesignating provisions of ss. 499.012, 499.013, and 499.014, F.S., relating to such functions as provisions of that section; conforming provisions and cross-references to changes made by the act; amending s. 499.012, F.S.; providing that the section relates to permit application requirements; amending the provisions to

conform; amending and redesignating provisions of s. 499.01, F.S., relating to such functions as provisions of that section; conforming provisions and cross-references to changes made by the act; amending s. 499.01201, F.S.; conforming provisions to changes made by the act; amending s. 499.0121, F.S., relating to storage and handling of prescription drugs and recordkeeping; directing the department to adopt rules requiring a wholesale distributor to maintain pedigree papers separate and distinct from other required records; deleting a requirement that a person who is engaged in the wholesale distribution of a prescription drug and who is not the manufacturer of that drug provide a pedigree paper to the person who receives the drug; deleting the department’s requirement to adopt rules with regard to recordkeeping by affiliated groups; conforming provisions and cross-references to changes made by the act; amending and redesignating a provision of s. 499.013, F.S., relating to such functions as a provision of that section; amending s. 499.01211, F.S.; conforming provisions and cross-references to changes made by the act; creating s. 499.01212, F.S.; requiring a person who is engaged in the wholesale distribution of a prescription drug to provide a pedigree paper to the person who receives the drug; requiring certain information in a pedigree paper; requiring a wholesale distributor to maintain and make available to the department certain information; providing exceptions to the requirement of a pedigree paper; repealing s. 499.0122, F.S., relating to medical oxygen and veterinary legend drug retail establishments; repealing s. 499.013, F.S., relating to manufacturers and repackagers of drugs, devices, and cosmetics; amending ss. 499.015, 499.024, 499.028, 499.029, and 499.03, F.S.; conforming provisions and cross-references to changes made by the act; amending ss. 499.032 and 499.033, F.S.; conforming terminology to changes made by the act; amending s. 499.039, F.S.; conforming a provision and cross-reference; amending ss. 499.04 and 499.041, F.S.; conforming provisions to changes made by the act; amending s. 499.05, F.S.; conforming provisions to changes made by the act; requiring the department to adopt rules with regard to procedures and forms relating to pedigree paper requirements, alternatives to compliance with the requirement of certain pedigree papers, and the return of prescription drugs purchased before a specified date; amending and redesignating provisions of ss. 499.013 and 499.0122, F.S., as provisions relating to rulemaking functions of that section; amending ss. 499.051, 499.052, 499.055, and 499.06, F.S.; conforming provisions to changes made by the act; amending s. 499.062, F.S.; providing that the section relates to seizure and condemnation of drugs, devices, or cosmetics; conforming a provision to changes made by the act; amending and redesignating ss. 499.063 and 499.064, F.S., as provisions relating to such functions in that section; amending ss. 499.065, 499.066, 499.0661, and 499.067, F.S.; conforming provisions and cross-references to changes made by the act; amending ss. 409.9201, 460.403, 465.0265, 794.075, 895.02, and 921.0022, F.S.; conforming cross-references to changes made by the act; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 2756** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 7049** was placed on the calendar of Bills on Third Reading.

On motion by Senator Lynn, by two-thirds vote **CS for HB 7105** was withdrawn from the Committees on Health and Human Services Appropriations; and Higher Education.

On motion by Senator Lynn, by two-thirds vote—

CS for HB 7105—A bill to be entitled An act relating to postsecondary distance learning; establishing the Florida Distance Learning Task Force; providing for membership; requiring the task force to submit a report containing certain recommendations to the Governor, the Legislature, and certain entities by a specified date; providing for future expiration; creating s. 1004.09, F.S.; establishing the Florida Higher Education Distance Learning Catalog; requiring that the Florida Distance Learning Consortium establish guidelines and procedures and provide information on certain requirements and information relating to distance learning courses and degree programs; requiring that the catalog include an Internet-based analytic tool that collects and analyzes certain data; amending s. 1009.23, F.S.; exempting a distance learning course from laboratory fees; authorizing the State Board of Education to adopt rules; authorizing a community college to assess a student enrolled in a course listed in the catalog a per-credit-hour user fee; requiring that such fee not exceed a certain amount; prohibiting the assessment of other fees if the distance learning course user fee is assessed; requiring

that the board of trustees report to the Division of Community Colleges the total amount of revenue generated by such fee for the preceding year and how such fee was expended; requiring that the link for the catalog be prominently displayed on the institution's website; amending s. 1009.24, F.S.; authorizing a state university to assess a per-credit-hour distance learning course fee; requiring that such fee not exceed a certain amount; prohibiting the state university from assessing duplicative fees to cover the same additional costs; requiring that the link to the catalog be prominently displayed on the institution's website; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1762** and by two-thirds vote read the second time by title.

Pursuant to Rule 4.19, **CS for HB 7105** was placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Bennett, by two-thirds vote **SB 2616** and **SB 2410** were withdrawn from the committees of reference and further consideration.

On motion by Senator Atwater, by two-thirds vote **CS for SB 2272** was withdrawn from the Committee on Commerce; **CS for SB 2504** was withdrawn from the Committee on Community Affairs; **CS for CS for SB 2388** was withdrawn from the Committee on Criminal Justice; and **CS for SB 644** and **CS for SB 886** were withdrawn from the Committee on General Government Appropriations.

On motion by Senator Dockery, by two-thirds vote **SB 1188** and **CS for CS for SB 1430** were withdrawn from the Committee on Criminal and Civil Justice Appropriations; and **CS for SB 268** was withdrawn from the Committee on Rules.

On motion by Senator Constantine, by two-thirds vote **CS for SB 402** was withdrawn from the Committee on Commerce; **CS for SB 2394** was withdrawn from the Committee on Health Regulation; and **CS for SB 2148** was withdrawn from the Committee on Transportation.

On motion by Senator Saunders, by two-thirds vote **CS for CS for SB 1962** was withdrawn from the Committee on General Government Appropriations; and **SB 226** was withdrawn from the Committee on Health and Human Services Appropriations.

MOTIONS RELATING TO COMMITTEE MEETINGS

On motion by Senator King, the rules were waived and the Special Order Calendar Group was granted permission to meet April 28 two hours after announcement.

MOTIONS

On motion by Senator King, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Monday, April 28.

REPORTS OF COMMITTEES

Pursuant to Rule 4.17(2), the President Pro Tempore, the Majority Leader, and the Minority Leader submit the following bills to be placed on the Special Order Calendar for Friday, April 25, 2008: **CS for CS for SB 222**, **SB 230**, **SB 432**, **CS for CS for SB 498**, **CS for CS for SB 544**, **CS for SB 698**, **CS for CS for CS for SB 700**, **CS for SB 734**, **CS for CS for SB 788**, **CS for SB 800**, **CS for CS for SB 858**, **CS for SB 940**, **CS for SB 948**, **CS for SB 1090**, **CS for CS for SB's 1094 and 326**, **CS for SB 1206**, **CS for CS for SB 1598**, **CS for CS for CS for SB 1684**, **CS for SB 1706**, **CS for CS for SB 1762**, **CS for SB 1768**, **CS for CS for SB 1914**, **CS for SB 2044**, **CS for SB 2094**, **CS for SB 2248**, **CS for CS for SB 2378**, **CS for CS for SB 2640**, **CS for SB 2660**, **CS for SB 2666**, **CS for SB 2716**, **CS for CS for SB 2756**

Respectfully submitted,
Lisa Carlton, President Pro Tempore
Daniel Webster, Majority Leader
Steven A. Geller, Minority Leader

The Committee on Health Regulation recommends a committee substitute for the following: **SB 46**

The Committee on Transportation and Economic Development Appropriations recommends a committee substitute for the following: **CS for CS for SB 1978**

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Health Regulation; and Senator Lawson—

CS for SB 46—A bill to be entitled An act for the relief of Marissa Amora; providing an appropriation to compensate Marissa Amora, a minor, for injuries she sustained as a result of the negligence of employees of the Department of Children and Family Services; requiring a specified legislative budget request; providing a limitation on attorney's fees, lobbying fees, costs, and other similar expenses relating to the claim; providing an effective date.

By the Committees on Transportation; Community Affairs; and Senator Garcia—

CS for CS for SB 474—A bill to be entitled An act relating to growth management; amending s. 70.51, F.S.; deleting an exemption from the limitation on the frequency of amendments of comprehensive plans; transferring, renumbering, and amending s. 125.379, F.S.; requiring counties to certify that they have prepared a list of county-owned property appropriate for affordable housing before obtaining certain funding; amending s. 163.3174, F.S.; prohibiting the members of the local governing body from serving on the local planning agency; providing an exception; amending s. 163.3177, F.S.; extending the date for local governments to adopt plan amendments to implement a financially feasible capital improvements element; extending the date for prohibiting future land use map amendments if a local government does not adopt and transmit its annual update to the capital improvements element; revising standards for the future land use plan in a local comprehensive plan; including a provision encouraging rural counties to adopt a rural subelement as part of their future land use plan; revising standards for the housing element of a local comprehensive plan; requiring certain counties to certify that they have adopted a plan for ensuring affordable workforce housing before obtaining certain funding; authorizing the state land planning agency to amend administrative rules relating to planning criteria to allow for varying local conditions; deleting exemptions from the limitation on the frequency of plan amendments; extending the deadline for local governments to adopt a public school facilities element and interlocal agreement; providing legislative findings concerning the need to preserve agricultural land and protect rural agricultural communities from adverse changes in the agricultural economy; defining the term "rural agricultural industrial center"; authorizing a landowner within a rural agricultural industrial center to apply for an amendment to the comprehensive plan to expand an existing center; providing requirements for such an application; providing a rebuttable presumption that such an amendment is consistent with state rule; providing certain exceptions to the approval of such an amendment; deleting provisions encouraging local governments to develop a community vision and to designate an urban service boundary; amending s. 163.31771, F.S.; requiring a local government to amend its comprehensive plan to allow accessory dwelling units in an area zoned for single-family residential use; prohibiting such units from being treated as new units if there is a land use restriction agreement that restricts use to affordable housing; prohibiting accessory dwelling units from being located on certain land; amending s. 163.3178, F.S.; revising provisions relating to coastal management and coastal high-hazard areas; providing factors for demonstrating the compliance of a comprehensive plan amendment with rule provisions relating to coastal areas; amending s. 163.3180, F.S.; revising concurrency requirements; specifying municipal areas for transportation concurrency exception areas; revising provisions relating to the Strategic Intermodal System; deleting a requirement for local governments to annually submit a summary of de minimis records; increasing the percentage of transportation impacts that

must be reserved for urban redevelopment; requiring concurrency management systems to be coordinated with the appropriate metropolitan planning organization; revising regional impact proportionate share provisions to allow for improvements outside the jurisdiction in certain circumstances; providing for the determination of mitigation to include credit for certain mitigation provided under an earlier phase, calculated at present value; defining the terms “present value” and “backlogged transportation facility”; revising the calculation of school capacity to include relocatables used by a school district; providing a minimum state availability standard for school concurrency; providing that a developer may not be required to reduce or eliminate backlog or address class size reduction; requiring charter schools to be considered as a mitigation option under certain circumstances; requiring school districts to include relocatables in their calculation of school capacity in certain circumstances; providing for an Urban Placemaking Initiative Pilot Project Program; providing for designating certain local governments as urban placemaking initiative pilot projects; providing purposes, requirements, criteria, procedures, and limitations for such local governments, the pilot projects, and the program; authorizing a methodology based on vehicle and miles traveled for calculating proportionate fair-share methodology; providing transportation concurrency incentives for private developers; providing for recommendations for the establishment of a uniform mobility fee methodology to replace the current transportation concurrency management system; amending s. 163.31801, F.S.; requiring the provision of notice before the imposition of an increased impact fee; providing that the provision of notice is not required before decreasing or eliminating an impact fee; amending s. 163.3184, F.S.; requiring that potential applicants for a future land use map amendment applying to 50 or more acres conduct two meetings to present, discuss, and solicit public comment on the proposed amendment; requiring that one such meeting be conducted before the application is filed and the second meeting be conducted before adoption of the plan amendment; providing notice and procedure requirements for such meetings; requiring that applicants for a plan amendment applying to more than 11 acres but less than 50 acres conduct a meeting before the application is filed and encouraging a second meeting within a specified period before the local government’s scheduled adoption hearing; providing for notice of such meeting; requiring that an applicant file with the local government a written certification attesting to certain information; exempting small-scale amendments from requirements related to meetings; revising a time period for comments on plan amendments; revising a time period for requesting state planning agency review of plan amendments; revising a time period for the state land planning agency to identify written comments on plan amendments for local governments; providing that an amendment is deemed abandoned under certain circumstances; authorizing the state land planning agency to grant extensions; requiring that a comprehensive plan or amendment to be adopted be available to the public; prohibiting certain types of changes to a plan amendment during a specified period before the hearing thereupon; requiring that the local government certify certain information to the state land planning agency; deleting exemptions from the limitation on the frequency of amendments of comprehensive plans; deleting provisions relating to community vision and urban boundary amendments to conform to changes made by the act; amending s. 163.3187, F.S.; limiting the adoption of certain plan amendments to twice per calendar year; limiting the adoption of certain plan amendments to once per calendar year; authorizing local governments to adopt certain plan amendments at any time during a calendar year without regard for restrictions on frequency; deleting certain types of amendments from the list of amendments eligible for adoption at any time during a calendar year; deleting exemptions from frequency limitations; providing circumstances under which small-scale amendments become effective; amending s. 163.3245, F.S.; revising provisions relating to optional sector plans; authorizing all local government to adopt optional sector plans into their comprehensive plan; increasing the size of the area to which sector plans apply; deleting certain restrictions on a local government upon entering into sector plans; deleting an annual monitoring report submitted by a host local government that has adopted a sector plan and a status report submitted by the department on optional sector plans; amending s. 163.3246, F.S.; discontinuing the Local Government Comprehensive Planning Certification Program except for currently certified local governments; retaining an exemption from DRI review for a certified community in certain circumstances; amending s. 163.32465, F.S.; revising provisions relating to the state review of comprehensive plans; providing additional types of amendments to which the alternative state review applies; providing a 30-day period for agency comments begins when the state land planning agency notifies the local government that the plan amendment package is complete; requiring adoption of a plan amendment

within 120 days of receipt of agency comments or the plan amendment is deemed abandoned; revising the effective date of adopted plan amendments; providing procedural rulemaking authority to the state land planning agency; amending s. 163.340, F.S.; defining the term “blighted area” to include land previously used as a military facility; renumbering and amending s. 166.0451, F.S.; requiring municipalities to certify that they have prepared a list of county-owned property appropriate for affordable housing before obtaining certain funding; amending s. 253.034, F.S.; requiring that a manager of conservation lands report to the Board of Trustees of the Internal Improvement Trust Fund at specified intervals regarding those lands not being used for the purpose for which they were originally leased; requiring that the Division of State Lands annually submit to the President of the Senate and the Speaker of the House of Representatives a copy of the state inventory identifying all nonconservation lands; requiring the division to publish a copy of the annual inventory on its website and notify by electronic mail the executive head of the governing body of each local government having lands in the inventory within its jurisdiction; amending s. 288.975, F.S.; deleting exemptions from the frequency limitations on comprehensive plan amendments; amending s. 380.06, F.S.; providing a 3-year extension for the buildout, commencement, and expiration dates of developments of regional impact and Florida Quality Developments, including associated local permits; providing an exception from development-of-regional-impact review; amending s. 380.0651, F.S.; providing an exemption from development-of-regional impact review; amending s. 1002.33, F.S.; restricting facilities from providing space to charter schools unless such use is consistent with the local comprehensive plan; prohibiting the expansion of certain facilities to accommodate for a charter school unless such use is consistent with the local comprehensive plan; creating s. 1011.775, F.S.; requiring that each district school board prepare an inventory list of certain real property on or before a specified date and at specified intervals thereafter; requiring that such list include certain information; requiring that the district school board review the list at a public meeting and make certain determinations; requiring that the board state its intended use for certain property; authorizing the board to revise the list at the conclusion of the public meeting; requiring that the board adopt a resolution; authorizing the board to offer certain properties for sale and use the proceeds for specified purposes; authorizing the board to make the property available for the production and preservation of permanent affordable housing; defining the term “affordable” for specified purposes; repealing s. 339.282, F.S., relating to transportation concurrency incentives; amending s. 1013.372, F.S.; requiring that certain charter schools serve as public shelters at the request of the local emergency management agency; amending ss. 163.3217, 163.3182, and 171.203, F.S.; deleting exemptions from the limitation on the frequency of amendments of comprehensive plans; providing an effective date.

By the Committees on Transportation and Economic Development Appropriations; Transportation and Economic Development Appropriations; Transportation; and Senator Baker—

CS for CS for CS for SB 1978—A bill to be entitled An act relating to the Department of Transportation; amending s. 20.23, F.S.; providing Senior Management Service status to the Executive Director of the Florida Transportation Commission; amending s. 125.42, F.S.; providing an exception to utility owners from the responsibility for relocating utilities along county roads and highways; amending s. 163.3177, F.S.; revising requirements for comprehensive plans; providing for airports, land adjacent to airports, and certain interlocal agreements relating thereto in certain elements of the plan; amending s. 163.3178, F.S.; providing that facilities determined by the Department of Community Affairs and the applicable general-purpose local government to be port-related industrial or commercial projects located within 3 miles of or in the port master plan area which rely upon the utilization of port and intermodal transportation facilities are not developments of regional impact under certain circumstances; amending s. 163.3180, F.S.; requiring the Department of Transportation to establish a transportation methodology to serve as the basis for sustainable development impact assessments; defining the terms “present value” and “backlogged transportation facility”; amending s. 163.3182, F.S., relating to transportation concurrency backlog authorities; providing legislative findings and declarations; expanding the power of authorities to borrow money to include issuing certain debt obligations; providing a maximum maturity date for certain debt incurred to finance or refinance certain transportation concurrency

backlog projects; authorizing authorities to continue operations and administer certain trust funds for the period of the remaining outstanding debt; requiring local transportation concurrency backlog trust funds to continue to be funded for certain purposes; providing for increased ad valorem tax increment funding for such trust funds under certain circumstances; revising provisions for dissolution of an authority; providing legislative findings relating to investment of funds from the Lawton Chiles Endowment Fund in Florida infrastructure by the State Board of Administration; providing that such investment is the policy of the State Board of Administration; amending s. 215.44, F.S.; including infrastructure investments in annual reporting requirements of State Board of Administration; amending s. 215.47, F.S.; increasing the maximum allowable percent of any fund in alternative investments or infrastructure investments; defining infrastructure investments; amending s. 215.5601, F.S.; directing the State Board of Administration to lease Alligator Alley for up to 50 years from the Department of Transportation using funds from the Lawton Chiles Endowment; limiting the investment of funds to between 20 and 50 percent of the endowment's assets; requiring a report to the Legislature; authorizing the board to contract with other government, public, and private entities to operate and maintain the toll facility; creating s. 334.305, F.S.; providing a finding of public need for leasing transportation facilities to expedite provision of additional facilities; providing that infrastructure investment agreements may not be impaired by state or local act; authorizing a lease agreement of up to 50 years for Alligator Alley; authorizing the engagement of private consultants to develop the agreement; directing funds received by the department under such provisions to the State Transportation Trust Fund; providing requirements for the lease agreement; requiring adherence to state and federal laws and standards for the operation and maintenance of transportation facilities; requiring the regulation of toll increases; authorizing state action to remedy impairments to the lease agreement; requiring an independent cost-effectiveness analysis and traffic and revenue study; limiting the use of funds received under the act to transportation uses; requiring specifications for construction, engineering, maintenance, and law enforcement activities in lease agreements; allowing the department to submit to the Legislative Budget Commission a plan for advancing transportation projects using funds received from a lease; requiring remaining toll revenue to be used in accordance with the lease agreement and s. 338.26, F.S.; confirming the ability of the State Board of Administration to invest in government-owned infrastructure; providing legislative intent relating to road rage and aggressive careless driving; amending s. 316.003, F.S.; defining the term "road rage"; amending s. 316.083, F.S.; requiring an operator of a motor vehicle to yield the left lane when being overtaken on a multilane highway; providing exceptions; amending s. 316.1923, F.S.; revising the number of specified acts necessary to qualify as an aggressive careless driver; providing specified punishments for aggressive careless driving; specifying the allocation of moneys received from the increased fine imposed for aggressive careless driving; amending s. 318.19, F.S.; providing that a second or subsequent infraction as an aggressive careless driver requires attendance at a mandatory hearing; providing for the disposition of the increased penalties; requiring the Department of Highway Safety and Motor Vehicles to provide information about road rage and aggressive careless driving in driver's license educational materials; reenacting s. 316.650(1)(a), F.S., relating to traffic citations, to incorporate the amendments made to s. 316.1923, F.S., in a reference thereto; amending s. 316.0741, F.S.; redefining the term "hybrid vehicle"; authorizing the driving of a hybrid, low-emission, or energy-efficient vehicle in a high-occupancy-vehicle lane regardless of occupancy; authorizing the department to limit or discontinue such driving under certain circumstances; exempting such vehicles from the payment of certain tolls; amending s. 316.193, F.S.; lowering the blood-alcohol or breath-alcohol level for which enhanced penalties are imposed against a person who was accompanied in the vehicle by a minor at the time of the offense; clarifying that an ignition interlock device is installed for a continuous period; amending s. 316.302, F.S.; revising the application of certain federal rules; providing for the department to perform certain duties assigned under federal rules; updating a reference to federal provisions governing out-of-service requirements for commercial vehicles; amending ss. 316.613 and 316.614, F.S.; revising the definition of "motor vehicle" for purposes of child restraint and safety belt usage requirements; amending s. 316.656, F.S.; lowering the percentage of blood or breath alcohol content relating to the prohibition against pleading guilty to a lesser offense of driving under the influence than the offense charged; amending s. 320.03, F.S.; revising the amount of a nonrefundable fee that is charged on the initial and renewal registration for certain automobiles and trucks; amending s. 322.64, F.S.;

providing that refusal to submit to a breath, urine, or blood test disqualifies a person from operating a commercial motor vehicle; providing a period of disqualification if a person has an unlawful blood-alcohol or breath-alcohol level; providing for issuance of a notice of disqualification; revising the requirements for a formal review hearing following a person's disqualification from operating a commercial motor vehicle; amending s. 336.41, F.S.; providing that a county, municipality, or special district may not own or operate an asphalt plant or a portable or stationary concrete batch plant having an independent mixer; amending s. 337.11, F.S.; establishing a goal for the procurement of design-build contracts; amending s. 337.18, F.S.; revising the recording requirements of payment and performance bonds; amending s. 337.185, F.S.; providing for maintenance contracts to be included in the types of claims settled by the State Arbitration Board; amending s. 337.403, F.S.; providing for the department or a local governmental entity to pay the costs of removing or relocating a utility that is interfering with the use of a road or rail corridor; amending s. 338.01, F.S.; requiring that newly installed electronic toll collection systems be interoperable with the department's electronic toll collection system; amending s. 338.165, F.S.; providing that provisions requiring the continuation of tolls following the discharge of bond indebtedness does not apply to high-occupancy toll lanes or express lanes; creating s. 338.166, F.S.; authorizing the department to request that bonds be issued which are secured by toll revenues from high-occupancy toll or express lanes in a specified location; providing for the department to continue to collect tolls after discharge of indebtedness; authorizing the use of excess toll revenues for improvements to the State Highway System; authorizing the implementation of variable rate tolls on high-occupancy toll lanes or express lanes; amending s. 338.2216, F.S.; directing the turnpike enterprise to develop new technologies and processes for the collection of tolls and usage fees; prohibiting the enterprise from entering into certain joint contracts for the sale of fuel and other goods; providing an exception; providing restrictions on contracts pertaining to service plazas; amending s. 338.223, F.S.; conforming a cross-reference; amending s. 338.231, F.S.; eliminating reference to uniform toll rates on the Florida Turnpike System; authorizing the department to fix by rule and collect the amounts needed to cover toll collection costs; directing the turnpike enterprise to increase tolls; amending s. 339.12, F.S.; clarifying a provision specifying a maximum total amount of project agreements for certain projects; authorizing the department to enter into certain agreements with counties having a specified maximum population; defining the term "project phase"; requiring that a project or project phase be a high priority of a governmental entity; providing for reimbursement for a project or project phase; specifying a maximum total amount for certain projects and project phases; requiring that such project be included in the local government's adopted comprehensive plan; authorizing the department to enter into long-term repayment agreements up to a specified maximum length; amending s. 339.135, F.S.; revising certain notice provisions that require the Department of Transportation to notify local governments regarding amendments to an adopted 5-year work program; amending s. 339.155, F.S.; revising provisions for development of the Florida Transportation Plan; amending s. 339.2816, F.S., relating to the small county road assistance program; providing for resumption of certain funding for the program; revising the criteria for counties eligible to participate in the program; amending ss. 339.2819 and 339.285, F.S.; conforming cross-references; amending s. 348.0003, F.S.; providing for financial disclosure for expressway, transportation, bridge, and toll authorities; amending s. 348.0004, F.S.; providing for certain expressway authorities to index toll rate increases; repealing part III of ch. 343 F.S.; abolishing the Tampa Bay Commuter Transit Authority; requiring the department to conduct a study of transportation alternatives for the Interstate 95 corridor; amending s. 409.908, F.S.; authorizing the Agency for Health Care Administration to continue to contract for Medicaid nonemergency transportation services in a specified agency service area with managed care plans under certain conditions; amending s. 427.011, F.S.; revising definitions; defining the term "purchasing agency"; amending s. 427.012, F.S.; revising the number of members required for a quorum at a meeting of the Commission for the Transportation Disadvantaged; amending s. 427.013, F.S.; revising responsibilities of the commission; deleting a requirement that the commission establish by rule acceptable ranges of trip costs; removing a provision for functioning and oversight of the quality assurance and management review program; requiring the commission to incur expenses for promotional services and items; amending s. 427.0135, F.S.; revising and creating duties and responsibilities for agencies that purchase transportation services for the transportation disadvantaged; providing requirements for the payment of rates; requiring an agency to negotiate with the commission before procuring transportation disadvantaged services; requiring an agency to identify its

allocation for transportation disadvantaged services in its legislative budget request; amending s. 427.015, F.S.; revising provisions relating to the function of the metropolitan planning organization or designated official planning agency; amending s. 427.0155, F.S.; revising duties of community transportation coordinators; amending s. 427.0157, F.S.; revising duties of coordinating boards; amending s. 427.0158, F.S.; deleting provisions requiring the school board to provide information relating to school buses to the transportation coordinator; providing for the transportation coordinator to request certain information regarding public transportation; amending s. 427.0159, F.S.; revising provisions relating to the Transportation Disadvantaged Trust Fund; providing for the deposit of funds by an agency purchasing transportation services; amending s. 427.016, F.S.; providing for construction and application of specified provisions to certain acts of a purchasing agency in lieu of the Medicaid agency; requiring that an agency identify the allocation of funds for transportation disadvantaged services in its legislative budget request; amending s. 479.01, F.S.; redefining the term "automatic changeable facing" as used in provisions governing outdoor advertising; amending s. 479.07, F.S.; revising the locations within which signs require permitting; providing requirements for the placement of permit tags; requiring the department to establish by rule a service fee and specifications for replacement tags; amending s. 479.08, F.S.; deleting a provision allowing a sign permittee to correct false information that was knowingly provided to the department; requiring the department to include certain information in the notice of violation; amending s. 479.156, F.S.; modifying local government control of the regulation of wall murals adjacent to certain federal highways; amending s. 479.261, F.S.; revising requirements for the logo sign program of the interstate highway system; deleting provisions providing for permits to be awarded to the highest bidders; requiring the department to implement a rotation-based logo program; requiring the department to adopt rules that set reasonable rates based on certain factors for annual permit fees; requiring that such fees not exceed a certain amount for sign locations inside and outside an urban area; amending s. 212.0606, F.S.; providing for the imposition by countywide referendum of an additional surcharge on the lease or rental of a motor vehicle; providing the proceeds of the surcharge to be transferred to the Local Option Fuel Tax Trust Fund and used for the construction and maintenance of commuter rail service facilities; amending s. 341.301, F.S.; providing definitions relating to commuter rail service, rail corridors, and railroad operation for purposes of the rail program within the department; amending s. 341.302, F.S.; authorizing the department to purchase specified property for the purpose of implementing commuter rail service; authorizing the department to assume certain liability on a rail corridor; authorizing the department to indemnify and hold harmless a railroad company when the department acquires a rail corridor from the company; providing allocation of risk; providing a specific cap on the amount of the contractual duty for such indemnification; authorizing the department to purchase and provide insurance in relation to rail corridors; authorizing marketing and promotional expenses; extending provisions to other governmental entities providing commuter rail service on public right-of-way; amending s. 768.28, F.S.; expanding the list of entities considered agents of the state; providing for construction in relation to certain federal laws; authorizing the expenditure of public funds for certain alterations of Old Cutler Road in the Village of Palmetto Bay; requiring the official approval of the Department of State before any alterations may begin; providing an effective date.

REFERENCE CHANGES PURSUANT TO RULE 4.7(2)

By the Committees on Transportation; Community Affairs; and Senator Garcia—

CS for CS for SB 474—A bill to be entitled An act relating to growth management; amending s. 70.51, F.S.; deleting an exemption from the limitation on the frequency of amendments of comprehensive plans; transferring, renumbering, and amending s. 125.379, F.S.; requiring counties to certify that they have prepared a list of county-owned property appropriate for affordable housing before obtaining certain funding; amending s. 163.3174, F.S.; prohibiting the members of the local governing body from serving on the local planning agency; providing an exception; amending s. 163.3177, F.S.; extending the date for local governments to adopt plan amendments to implement a financially feasible capital improvements element; extending the date for prohibiting future land use map amendments if a local government does not adopt and

transmit its annual update to the capital improvements element; revising standards for the future land use plan in a local comprehensive plan; including a provision encouraging rural counties to adopt a rural subelement as part of their future land use plan; revising standards for the housing element of a local comprehensive plan; requiring certain counties to certify that they have adopted a plan for ensuring affordable workforce housing before obtaining certain funding; authorizing the state land planning agency to amend administrative rules relating to planning criteria to allow for varying local conditions; deleting exemptions from the limitation on the frequency of plan amendments; extending the deadline for local governments to adopt a public school facilities element and interlocal agreement; providing legislative findings concerning the need to preserve agricultural land and protect rural agricultural communities from adverse changes in the agricultural economy; defining the term "rural agricultural industrial center"; authorizing a landowner within a rural agricultural industrial center to apply for an amendment to the comprehensive plan to expand an existing center; providing requirements for such an application; providing a rebuttable presumption that such an amendment is consistent with state rule; providing certain exceptions to the approval of such an amendment; deleting provisions encouraging local governments to develop a community vision and to designate an urban service boundary; amending s. 163.31771, F.S.; requiring a local government to amend its comprehensive plan to allow accessory dwelling units in an area zoned for single-family residential use; prohibiting such units from being treated as new units if there is a land use restriction agreement that restricts use to affordable housing; prohibiting accessory dwelling units from being located on certain land; amending s. 163.3178, F.S.; revising provisions relating to coastal management and coastal high-hazard areas; providing factors for demonstrating the compliance of a comprehensive plan amendment with rule provisions relating to coastal areas; amending s. 163.3180, F.S.; revising concurrency requirements; specifying municipal areas for transportation concurrency exception areas; revising provisions relating to the Strategic Intermodal System; deleting a requirement for local governments to annually submit a summary of de minimus records; increasing the percentage of transportation impacts that must be reserved for urban redevelopment; requiring concurrency management systems to be coordinated with the appropriate metropolitan planning organization; revising regional impact proportionate share provisions to allow for improvements outside the jurisdiction in certain circumstances; providing for the determination of mitigation to include credit for certain mitigation provided under an earlier phase, calculated at present value; defining the terms "present value" and "backlogged transportation facility"; revising the calculation of school capacity to include relocatables used by a school district; providing a minimum state availability standard for school concurrency; providing that a developer may not be required to reduce or eliminate backlog or address class size reduction; requiring charter schools to be considered as a mitigation option under certain circumstances; requiring school districts to include relocatables in their calculation of school capacity in certain circumstances; providing for an Urban Placemaking Initiative Pilot Project Program; providing for designating certain local governments as urban placemaking initiative pilot projects; providing purposes, requirements, criteria, procedures, and limitations for such local governments, the pilot projects, and the program; authorizing a methodology based on vehicle and miles traveled for calculating proportionate fair-share methodology; providing transportation concurrency incentives for private developers; providing for recommendations for the establishment of a uniform mobility fee methodology to replace the current transportation concurrency management system; amending s. 163.31801, F.S.; requiring the provision of notice before the imposition of an increased impact fee; providing that the provision of notice is not required before decreasing or eliminating an impact fee; amending s. 163.3184, F.S.; requiring that potential applicants for a future land use map amendment applying to 50 or more acres conduct two meetings to present, discuss, and solicit public comment on the proposed amendment; requiring that one such meeting be conducted before the application is filed and the second meeting be conducted before adoption of the plan amendment; providing notice and procedure requirements for such meetings; requiring that applicants for a plan amendment applying to more than 11 acres but less than 50 acres conduct a meeting before the application is filed and encouraging a second meeting within a specified period before the local government's scheduled adoption hearing; providing for notice of such meeting; requiring that an applicant file with the local government a written certification attesting to certain information; exempting small-scale amendments from requirements related to meetings; revising a time period for comments on plan amendments; revising a time period

for requesting state planning agency review of plan amendments; revising a time period for the state land planning agency to identify written comments on plan amendments for local governments; providing that an amendment is deemed abandoned under certain circumstances; authorizing the state land planning agency to grant extensions; requiring that a comprehensive plan or amendment to be adopted be available to the public; prohibiting certain types of changes to a plan amendment during a specified period before the hearing thereupon; requiring that the local government certify certain information to the state land planning agency; deleting exemptions from the limitation on the frequency of amendments of comprehensive plans; deleting provisions relating to community vision and urban boundary amendments to conform to changes made by the act; amending s. 163.3187, F.S.; limiting the adoption of certain plan amendments to twice per calendar year; limiting the adoption of certain plan amendments to once per calendar year; authorizing local governments to adopt certain plan amendments at any time during a calendar year without regard for restrictions on frequency; deleting certain types of amendments from the list of amendments eligible for adoption at any time during a calendar year; deleting exemptions from frequency limitations; providing circumstances under which small-scale amendments become effective; amending s. 163.3245, F.S.; revising provisions relating to optional sector plans; authorizing all local government to adopt optional sector plans into their comprehensive plan; increasing the size of the area to which sector plans apply; deleting certain restrictions on a local government upon entering into sector plans; deleting an annual monitoring report submitted by a host local government that has adopted a sector plan and a status report submitted by the department on optional sector plans; amending s. 163.3246, F.S.; discontinuing the Local Government Comprehensive Planning Certification Program except for currently certified local governments; retaining an exemption from DRI review for a certified community in certain circumstances; amending s. 163.32465, F.S.; revising provisions relating to the state review of comprehensive plans; providing additional types of amendments to which the alternative state review applies; providing a 30-day period for agency comments begins when the state land planning agency notifies the local government that the plan amendment package is complete; requiring adoption of a plan amendment within 120 days of receipt of agency comments or the plan amendment is deemed abandoned; revising the effective date of adopted plan amendments; providing procedural rulemaking authority to the state land planning agency; amending s. 163.340, F.S.; defining the term "blighted area" to include land previously used as a military facility; renumbering and amending s. 166.0451, F.S.; requiring municipalities to certify that they have prepared a list of county-owned property appropriate for affordable housing before obtaining certain funding; amending s. 253.034, F.S.; requiring that a manager of conservation lands report to the Board of Trustees of the Internal Improvement Trust Fund at specified intervals regarding those lands not being used for the purpose for which they were originally leased; requiring that the Division of State Lands annually submit to the President of the Senate and the Speaker of the House of Representatives a copy of the state inventory identifying all nonconservation lands; requiring the division to publish a copy of the annual inventory on its website and notify by electronic mail the executive head of the governing body of each local government having lands in the inventory within its jurisdiction; amending s. 288.975, F.S.; deleting exemptions from the frequency limitations on comprehensive plan amendments; amending s. 380.06, F.S.; providing a 3-year extension for the buildout, commencement, and expiration dates of developments of regional impact and Florida Quality Developments, including associated local permits; providing an exception from development-of-regional-impact review; amending s. 380.0651, F.S.; providing an exemption from development-of-regional impact review; amending s. 1002.33, F.S.; restricting facilities from providing space to charter schools unless such use is consistent with the local comprehensive plan; prohibiting the expansion of certain facilities to accommodate for a charter school unless such use is consistent with the local comprehensive plan; creating s. 1011.775, F.S.; requiring that each district school board prepare an inventory list of certain real property on or before a specified date and at specified intervals thereafter; requiring that such list include certain information; requiring that the district school board review the list at a public meeting and make certain determinations; requiring that the board state its intended use for certain property; authorizing the board to revise the list at the conclusion of the public meeting; requiring that the board adopt a resolution; authorizing the board to offer certain properties for sale and use the proceeds for specified purposes; authorizing the board to make the property available for the production and preservation of permanent affordable housing; defining the term "affordable" for specified purposes; repealing s. 339.282, F.S., relating to trans-

portation concurrency incentives; amending s. 1013.372, F.S.; requiring that certain charter schools serve as public shelters at the request of the local emergency management agency; amending ss. 163.3217, 163.3182, and 171.203, F.S.; deleting exemptions from the limitation on the frequency of amendments of comprehensive plans; providing an effective date.

—was placed on the Calendar.

By the Committee on Finance and Tax; and Senator Saunders—

CS for SB 1552—A bill to be entitled An act relating to Everglades restoration bonds; amending s. 215.619, F.S.; extending the period during which such bonds may be issued each fiscal year; providing an effective date.

—was placed on the Calendar.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 219, HB 489, CS for HB 623, CS for HB 743, CS for HB 799, CS for HB 987, CS for HB 1313, CS for HB 7105; has passed as amended CS for HB 69, CS for HB 137, CS for HB 165, CS for CS for HB 1167, CS for HB 1203, CS for HB 1373, HB 1489, HB 7067, CS for HB 7087, HB 7137 and requests the concurrence of the Senate.

William S. Pittman III, Chief Clerk

By the Environment and Natural Resources Council; and Representatives Domino and others—

CS for HB 219—A bill to be entitled An act relating to the Gertrude Maxwell Save a Pet Act; providing a short title; creating s. 570.97, F.S.; creating a direct-support organization for the Department of Agriculture and Consumer Services; providing for the organization and operation of the direct-support organization; providing for the purpose of the direct-support organization; providing for the membership of the board of directors; providing for honorary board members of the direct-support organization; providing for appointment of Gertrude Maxwell or her designee as the first honorary board member of the direct-support organization; providing an effective date.

—was referred to the Committees on Agriculture; and Governmental Operations.

By Representative Jenne and others—

HB 489—A bill to be entitled An act relating to sexual violence; amending s. 741.313, F.S.; defining the term "sexual violence"; providing specified employee leave benefits to employees who are victims of sexual violence or who have a family or household member who is a victim of sexual violence; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Commerce; Governmental Operations; and Judiciary.

By the Schools and Learning Council; and Representative Kendrick and others—

CS for HB 623—A bill to be entitled An act relating to school food service programs; amending s. 1006.06, F.S.; requiring school breakfast programs in middle and high schools; providing procedures for school breakfast programs; specifying requirements for setting prices of breakfast meals; requiring district school boards to consider policies for the provision of universal-free school breakfast meals in certain schools;

requiring information to be communicated to students and parents; clarifying the allocation of funds for school breakfast programs; directing the Office of Program Policy Analysis and Government Accountability to submit a report on school district food service programs; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Children, Families, and Elder Affairs; and Education Pre-K - 12 Appropriations.

By the Jobs and Entrepreneurship Council; and Representative Lopez-Cantera and others—

CS for HB 743—A bill to be entitled An act relating to mortgage fraud; creating s. 193.133, F.S.; requiring law enforcement agencies to notify property appraisers of incidents of mortgage fraud under certain circumstances; authorizing property appraisers to adjust property assessments under certain circumstances; requiring property appraisers to reassess certain properties under certain circumstances; amending s. 817.545, F.S.; providing an increased penalty for certain types of mortgage fraud; providing an effective date.

—was referred to the Committees on Community Affairs; Criminal Justice; Judiciary; and Finance and Tax.

By the Safety and Security Council; and Representative Adams and others—

CS for HB 799—A bill to be entitled An act relating to the theft of copper or other nonferrous metals; creating s. 812.145, F.S.; providing definitions; providing that it is a felony of the first degree to knowingly and intentionally take copper or other nonferrous metal from a utility or communications services provider, thereby causing damage to the facilities of a utility or communications services provider or interrupting or interfering with utility or communications services; providing criminal penalties; providing an effective date.

—was referred to the Committees on Communications and Public Utilities; Commerce; Criminal Justice; and Criminal and Civil Justice Appropriations.

By the Economic Expansion and Infrastructure Council; and Representative Culp and others—

CS for HB 987—A bill to be entitled An act relating to cultural and historical programs; creating s. 265.7025, F.S.; providing definitions; amending s. 265.703, F.S.; providing for more than one citizen support organization; adding historical and museum programs to those programs that can be assisted by the citizen support organizations of the Division of Cultural Affairs of the Department of State; revising the name of the trust fund into which funds are deposited; providing that information of the citizen support organization for the Museum of Florida History which is confidential and exempt pursuant to s. 267.17, F.S., retains its status; creating s. 265.704, F.S.; providing powers and duties of the Division of Cultural Affairs related to historical museums; creating s. 265.705, F.S.; providing state policy relating to historic properties; creating s. 265.706, F.S.; authorizing the division to acquire, maintain, preserve, interpret, exhibit, and make available for study certain objects having historical or archaeological value; vesting title of such objects in the division; requiring maintenance of records; requiring inventory of objects of specified value; authorizing the division to loan, exchange, sell, or otherwise transfer certain objects; providing exemptions from ch. 273, F.S.; providing for deposit and use of funds; requiring the adoption of rules; providing a penalty for certain violations by a custodian; providing for insuring of certain items; amending and renumbering s. 267.072, F.S., relating to the Museum of Florida History and its programs; transferring the responsibility for and administration of the Museum of Florida History, its programs, and the citizen support organization for the museum from the Division of Historical Resources to the Division of Cultural Affairs; providing for the operation of additional stores associated with the Museum of Florida History; authorizing the Division of Cultural Affairs to operate other historical museums; conforming provisions to changes made by the act; amending and renumbering s.

267.0619, F.S., relating to historical museum grants under the Division of Historical Resources of the Department of State; transferring the grant program to the Division of Cultural Affairs; conforming provisions to changes made by the act; providing that a for-profit corporation, partnership, or organization is ineligible for receipt of such grants; creating s. 265.709, F.S.; authorizing the Division of Cultural Affairs to promote and encourage the writing of Florida history through certain activities; authorizing the collecting, editing, and publishing of documents related to Florida history; authorizing the division to establish a reasonable charge for such publications; providing for such proceeds to be deposited in the Grants and Donations Trust Fund or certain separate depository accounts; amending s. 267.0612, F.S.; providing a uniform starting date for all appointments to the Florida Historical Commission; amending s. 267.071, F.S.; removing the Museum of Florida History as one of the historical museums that the Division of Historical Resources is required to encourage, promote, maintain, and operate; amending s. 267.0731, F.S.; adding representatives of the Secretary of State to the list of representatives on the ad hoc committee responsible for making recommendations for Great Floridian nominations; deleting references to the citizen support organization for the Museum of Florida History; deleting responsibilities of the Museum of Florida History; requiring the Department of State to be the repository of certain films or videotapes produced concerning a Great Floridian as well as certain items related to such productions; repealing s. 267.174, F.S., relating to the Discovery of Florida Quincentennial Commemoration Commission; amending s. 272.129, F.S.; authorizing a citizen support organization for the Legislative Research Center and Museum at the Historic Capitol, which is known as the “center”; requiring the citizen support organization to be a corporation not for profit; authorizing the citizen support organization to perform certain tasks for the direct and indirect benefit of the center; authorizing the center to prescribe conditions with which the citizen support organization must comply in order to use fixed property or facilities of the center; prohibiting the center from permitting a citizen support organization to use the center’s facilities under certain conditions; requiring that the citizen support organization provide for an annual audit; providing that records of the organization are public records; requiring that certain funds be deposited into the account of the citizen support organization; providing for reversion of funds to the state under certain circumstances; providing an effective date.

—was referred to the Committees on Governmental Operations; and Transportation and Economic Development Appropriations.

By the Schools and Learning Council; and Representative Precourt—

CS for HB 1313—A bill to be entitled An act relating to students with disabilities; amending ss. 1002.33, 1002.39, 1003.01, 1003.21, and 1003.438, F.S., relating to charter schools, the John M. McKay Scholarships for Students with Disabilities Program, school attendance, and high school graduation requirements; revising the terminology used to identify students with certain disabilities; authorizing the State Board of Education to adopt rules for eligibility of certain children with disabilities for admission to special programs and related services; removing authority of district school boards to adopt such rules; amending ss. 1007.02, 1007.264, and 1007.265, F.S., relating to postsecondary education; revising the terminology used to identify students with intellectual, emotional, or behavioral disabilities; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Higher Education; and Education Pre-K - 12 Appropriations.

By the Policy and Budget Council; Schools and Learning Council; and Representative Pickens—

CS for HB 7105—A bill to be entitled An act relating to postsecondary distance learning; establishing the Florida Distance Learning Task Force; providing for membership; requiring the task force to submit a report containing certain recommendations to the Governor, the Legislature, and certain entities by a specified date; providing for future expiration; creating s. 1004.09, F.S.; establishing the Florida Higher Education Distance Learning Catalog; requiring that the Florida Distance Learning Consortium establish guidelines and procedures and provide information on certain requirements and information relating to distance learning courses and degree programs; requiring that the catalog include an Internet-based analytic tool that collects and analyzes certain

data; amending s. 1009.23, F.S.; exempting a distance learning course from laboratory fees; authorizing the State Board of Education to adopt rules; authorizing a community college to assess a student enrolled in a course listed in the catalog a per-credit-hour user fee; requiring that such fee not exceed a certain amount; prohibiting the assessment of other fees if the distance learning course user fee is assessed; requiring that the board of trustees report to the Division of Community Colleges the total amount of revenue generated by such fee for the preceding year and how such fee was expended; requiring that the link for the catalog be prominently displayed on the institution's website; amending s. 1009.24, F.S.; authorizing a state university to assess a per-credit-hour distance learning course fee; requiring that such fee not exceed a certain amount; prohibiting the state university from assessing duplicative fees to cover the same additional costs; requiring that the link to the catalog be prominently displayed on the institution's website; providing an effective date.

—was referred to the Committees on Health and Human Services Appropriations; and Higher Education.

By the Economic Expansion and Infrastructure Council; and Representative Patterson and others—

CS for HB 69—A bill to be entitled An act relating to license plates; amending s. 320.06, F.S.; requiring counties to issue license plates with either the name of the county in which the plate is sold, the state motto, or the words "Sunshine State," printed on the plate; providing conditions; providing an effective date.

—was referred to the Committees on Transportation; Community Affairs; and Transportation and Economic Development Appropriations.

By the Economic Expansion and Infrastructure Council; and Representative Lopez-Cantera—

CS for HB 137—A bill to be entitled An act relating to operating a motor vehicle; creating s. 316.1926, F.S.; creating additional offenses regarding motor vehicle operation; amending s. 316.2085, F.S.; requiring an operator of a motorcycle or moped to maintain both wheels on the ground at all times; requiring that the license tag of a motorcycle or moped be affixed horizontally; amending s. 318.14, F.S.; providing additional penalties for certain offenses; providing for a specified fine and revocation of the person's privilege to operate a motor vehicle; providing an effective date.

—was referred to the Committees on Transportation; Criminal Justice; and Criminal and Civil Justice Appropriations.

By the Government Efficiency and Accountability Council; and Representative Bean—

CS for HB 165—A bill to be entitled An act relating to agency inspectors general; amending s. 20.055, F.S.; providing definitions; requiring agency inspectors general to comply with certain principles and standards; requiring an inspector general to submit findings of audits and investigations to specified persons or entities if such findings are not exempt from disclosure; requiring responses to findings within 20 working days; requiring agencies under the Governor to notify the Chief Inspector General of inspector general appointments and terminations; prohibiting agency staff from preventing or prohibiting the inspector general from initiating, carrying out, or completing any audit or investigation; requiring audits to be conducted in accordance with the current International Standards for the Professional Practice of Internal Auditing; requiring the inspector general of each state agency to report certain written complaints to the agency head, and for agencies under the Governor, to the agency head and the Chief Inspector General; providing an effective date.

—was referred to the Committees on Governmental Operations; and General Government Appropriations.

By the Policy and Budget Council; Jobs and Entrepreneurship Council; and Representative Legg—

CS for CS for HB 1167—A bill to be entitled An act relating to the Reduced Cigarette Ignition Propensity Standard and Firefighter Protection Act; creating s. 633.042, F.S.; providing a short title; providing legislative findings and intent; providing definitions; providing cigarette testing methods and performance standards; providing specific testing criteria; requiring manufacturers to provide certain written certification; requiring cigarettes to be marked in specific manners; providing for alternative testing methods under certain circumstances; providing reporting requirements; providing the Division of Alcoholic Beverages and Tobacco and the State Fire Marshal with certain powers and responsibilities; providing certification requirements for manufacturers; providing requirements for the marking of certain cigarette packaging; providing reporting requirements; providing approval requirements for markings submitted to the division by a manufacturer; providing notification requirements; providing fines and penalties; providing the division and the State Fire Marshal with rulemaking authority; authorizing certain governmental entities with inspection powers to examine specified documents of any person in possession, control, or occupancy of any premises where cigarettes are placed, stored, sold, or offered for sale, as well as the stock of cigarettes on the premises; providing that nothing in the act shall be construed to prohibit any person or entity from manufacturing or selling cigarettes that do not meet the specified requirements if such cigarettes are or will be stamped for sale in another state or are packaged for sale outside the United States; providing for repeal upon the enactment of a preemptive federal standard; prohibiting local government units from enacting and enforcing any ordinance or other local law or regulation that conflicts with, or is preempted by, any provision of the act; providing effective dates.

—was referred to the Committees on Regulated Industries; Judiciary; and General Government Appropriations.

By the Schools and Learning Council; and Representative Proctor and others—

CS for HB 1203—A bill to be entitled An act relating to the Interstate Compact on Educational Opportunity for Military Children; creating s. 1000.36, F.S.; directing the Governor to execute the Interstate Compact on Educational Opportunity for Military Children on behalf of this state with any other state or states legally adopting the compact; providing definitions; providing applicability; providing for the transfer of education records from a sending to a receiving state; requiring that children of military personnel be enrolled in classes at current grade level; providing for eligibility for graduation; providing for a state council to coordinate agencies and schools; providing for membership on the council; creating the Interstate Commission on Educational Opportunity for Military Children; providing for membership, organization, meetings, operations, powers, and duties; creating an executive committee; requiring the commission to adopt rules; providing for a legal challenge to the adopted rules; providing for oversight, enforcement, and dispute resolution; providing procedures to suspend or terminate member states; authorizing the commission to levy and collect an annual assessment from each member state; providing the method for the compact to become effective and binding on the member states; providing procedures for the withdrawal of a member state; providing severability; providing for the effect of the compact on member states' laws; creating s. 1000.37, F.S.; requiring the Secretary of State to furnish a copy of the enrolled act enacting the Interstate Compact on Educational Opportunity for Military Children to each of the states approving the compact; creating s. 1000.38, F.S.; authorizing the designation of a Compact Commissioner and a Military Family Education Liaison by the Governor; creating s. 1000.39, F.S.; creating the State Council on Interstate Educational Opportunity for Military Children; providing purpose and membership; prohibiting compensation; authorizing reimbursement for per diem and travel expenses; providing for public records and open meetings; requiring the Department of Education to provide administrative support; prescribing procedures if the council is abolished; providing for future legislative review and repeal of the act; providing an effective date.

—was referred to the Committees on Education Pre-K - 12; Military Affairs and Domestic Security; and Education Pre-K - 12 Appropriations.

By the Economic Expansion and Infrastructure Council; and Representative Altman and others—

CS for HB 1373—A bill to be entitled An act relating to the qualified defense contractor tax refund program; amending s. 288.1045, F.S.; revising definitions to include space flight businesses and space flight contracts; specifying a methodology and amounts for tax refund payments to qualified defense contractor businesses; revising provisions authorizing qualified applicants to receive refunds of certain taxes; revising application process requirements to include space flight businesses and contracts; revising information requirements for applications for certain qualified applicant certifications; providing employment requirements for space flight business contracts; specifying required information for applications for certification under space flight business contracts; including space flight businesses under provisions authorizing annual claims for refund; revising limitations on payments of tax refunds; revising certain required reductions of amounts of tax refunds; deleting a reporting requirement of tax refunds paid and use of appropriations expended; extending an expiration date; amending ss. 14.2015 and 213.053, F.S.; conforming program references; providing an effective date.

—was referred to the Committees on Commerce; Finance and Tax; and Transportation and Economic Development Appropriations.

By Representative Patterson and others—

HB 1489—A bill to be entitled An act relating to residential tenancies; amending s. 83.43, F.S.; redefining the term “rental agreement”; defining the term “early termination fee”; amending s. 83.595, F.S.; allowing a landlord to terminate a rental agreement and recover liquidated damages or charge the tenant an early termination fee for breach of the agreement, or both, under certain circumstances; requiring the tenant to indicate acceptance of an early termination fee or liquidated-damages provision in the rental agreement in order for the provision to take effect; providing a limit on the combined total of damages and fees; providing liability of the tenant for rent, other charges due, and rental concessions; providing an effective date.

—was referred to the Committees on Regulated Industries; and Judiciary.

By the Schools and Learning Council; and Representative Pickens and others—

HB 7067—A bill to be entitled An act relating to virtual education; amending s. 1000.04, F.S.; providing that K-8 virtual schools are public K-12 schools; amending ss. 1002.20 and 1002.31, F.S.; providing that K-8 virtual schools are a public school choice option; amending s. 1002.415, F.S.; establishing the school district K-8 Virtual School Program; requiring school districts to offer a K-8 Virtual School Program beginning with the 2009-2010 school year; authorizing school districts to offer such program for the 2008-2009 school year; authorizing the provision of specified online instruction to students in grades 6 through 8 through a franchise agreement with the Florida Virtual School; specifying qualifications for and requiring Department of Education approval of contracted providers; requiring department approval for district programs; specifying requirements for a K-8 virtual school relating to employees, curriculum, equipment, and fees; requiring specified capacity and limiting future enrollment increases; providing student eligibility and enrollment requirements; requiring student compliance with specified attendance provisions; requiring students to take state assessment tests; providing funding through the Florida Education Finance Program for district K-8 Virtual School Programs; requiring K-8 virtual schools to participate in the state assessment program and education performance accountability system and receive school grades; requiring school improvement plans for schools that receive specified grades; requiring annual department review and reporting of student performance; specifying reasons for nonrenewal or termination of provider contracts; providing for continuation of existing K-8 virtual schools under contract with the department for specified students; providing requirements for the funding of such schools; requiring rulemaking; providing for application of section; amending s. 1003.01, F.S.; amending the definition of the term “core-curricula courses” to exclude Florida Virtual

School and K-8 Virtual School Program courses; amending s. 1011.61, F.S.; defining a K-8 virtual school full-time equivalent student; providing effective dates.

—was referred to the Committee on Education Pre-K - 12 Appropriations.

By the Policy and Budget Council; Safety and Security Council; and Representative Needelman and others—

CS for HB 7087—A bill to be entitled An act relating to juvenile justice; amending s. 29.008, F.S.; conforming cross-references; amending s. 790.22, F.S.; revising provisions relating to community service programs; amending s. 939.185, F.S.; providing diversion options for specified youth; amending s. 943.053, F.S.; revising provisions relating to dissemination of criminal justice information; amending s. 943.0585, F.S., relating to court-ordered expunction of criminal history records, to revise a reference; amending s. 984.05, F.S.; revising terminology applicable to rules relating to habitual truants; amending s. 984.09, F.S.; deleting duplicative provisions relating to contempt of court and alternative sanctions; amending s. 985.02, F.S.; providing diversion options for specified youth; amending s. 985.03, F.S.; defining the term “ordinary medical care”; amending and redesignating provisions of s. 985.037, F.S.; relating to alternative sanctions; creating s. 985.0375, F.S.; providing for alternative sanctions; amending s. 985.04, F.S.; providing that confidential information obtained during an official’s service with juvenile delinquents may be shared with authorized personnel of the Department of Children and Family Services; amending s. 985.245, F.S.; providing additional representatives to the committee developing a risk assessment instrument; providing an additional factor to be considered in a risk assessment instrument; providing for periodic evaluation of risk assessment instruments; amending s. 985.265, F.S.; providing an exception in direct supervision housing for supervision and monitoring of children in a jail or other adult facility; creating s. 985.438, F.S.; providing for commitment alternatives; providing for the Redirection Program; providing eligibility for participation; requiring maintenance of data for program evaluation; amending s. 985.601, F.S.; requiring the Department of Juvenile Justice to adopt rules to establish procedures to provide ordinary medical care, mental health, substance abuse, and developmental disabilities services to youth within the juvenile justice continuum; requiring that certain rulemaking be coordinated with other agencies; requiring counties with non-state-funded delinquency programs for youth to provide diversion options for certain youth in order to participate in a specified delinquency diversion program; amending s. 985.606, F.S.; revising provisions relating to data collection; amending s. 985.632, F.S.; providing for a demonstration project using outcome-based contracts; requiring a report; amending s. 985.644, F.S.; removing the reference to the Department of Children and Family Services as it relates to contracting for certain services; revising provisions relating to the contracting powers of the Department of Juvenile Justice; amending s. 985.66, F.S.; transferring the responsibility for the juvenile justice training program from the Juvenile Justice Standards and Training Commission to the Department of Juvenile Justice; conforming provisions; requiring the department to adopt rules; defining the term “delinquency program staff”; amending s. 985.664, F.S.; revising provisions relating to juvenile justice circuit boards and juvenile justice county councils to provide references to the Children and Youth Cabinet; providing additional duties for councils and boards; revising provisions concerning membership of boards and councils; requiring the secretary of the department to meet with the chair of the juvenile justice circuit boards and the Children and Youth Cabinet at least annually for specified purposes; amending s. 985.668, F.S.; including juvenile justice county councils in provisions relating to innovation zone proposals; amending s. 985.676, F.S.; deleting a limit on renewals of annual community juvenile justice partnership grants; providing priority for funding certain applications; amending s. 985.721, F.S.; conforming a cross-reference; creating s. 1006.125, F.S.; requiring referral to law enforcement of serious offenses; providing for reimbursement of secure detention costs in certain circumstances; providing a limit on such reimbursements; amending s. 1006.13, F.S.; revising provisions relating to school policies concerning crime and victimization to remove references to zero tolerance; providing for consideration of certain provider types relating to services for children in need of services and families in need of services; providing an appropriation; providing effective dates.

—was referred to the Committees on Criminal Justice; Judiciary; and Criminal and Civil Justice Appropriations.

By the Safety and Security Council; and Representative Adams—

HB 7137—A bill to be entitled An act relating to the Department of Corrections; amending s. 921.187, F.S.; deleting certain provisions limiting circumstances under which an offender may be placed in community control; amending s. 943.16, F.S.; eliminating provisions requiring that a law enforcement officer reimburse the employing agency for wages and benefits paid by the employing agency if the officer terminates employment before the end of a 2-year commitment period; eliminating wages and benefits from the costs that employing agencies may recover; eliminating the definition of the term “academy training period”; amending s. 944.1905, F.S.; authorizing the department to assign certain young adult offenders to a facility for youthful offenders until the offender reaches a specified age; deleting provisions requiring that certain young adult offenders be housed and provided certain services separately from older offenders; amending s. 944.47, F.S.; providing that a cellular telephone or other portable communication device that is introduced inside the secure perimeter of a state correctional institution without prior authorization is contraband; prohibiting an inmate or other person upon the grounds of the institution from possessing such contraband without authorization; providing a definition; providing criminal penalties; amending s. 948.01, F.S.; deleting the requirement that a court using a specified alternative to a sentence of incarceration require the Department of Corrections to provide certain notifications; amending s. 948.10, F.S.; deleting a requirement that community control programs and manuals be developed in consultation with the Florida Conference of Circuit Court Judges and the State Courts Administrator; deleting the prohibition on sentencing offenders convicted of certain forcible felonies to community control; deleting requirements for the department in developing and implementing community control programs, resource directories, and training programs; deleting a requirement for the Florida Court Education Council and the State Courts Administrator to coordinate certain resources for judges pertaining to community control; eliminating provisions governing review and notice by the department of offenders ineligible for community control and requiring the department to develop a caseload equalization strategy; conforming provisions to deletion of the prohibition on sentencing offenders convicted of certain forcible felonies to community control; amending s. 958.04, F.S.; authorizing the court to sentence a person as a youthful offender if the offender is younger than 21 years of age at the time sentence is imposed; requiring the Department of Corrections to adopt by rule criteria to define successful participation in the youthful offender program; amending s. 958.11, F.S.; removing the specific designation of youthful offender facilities for housing female offenders; revising requirements for the department with respect to assigning or transferring youthful offenders; removing references to the Assistant Secretary for Youthful Offenders; amending s. 958.12, F.S.; removing the requirement for a youthful offender to be visited by a probation and parole officer before release; removing the requirement for the department to develop community partnerships with the Department of Labor and Employment Security and the Department of Children and Family Services and including private agencies as possible partners in such partnerships; amending s. 945.41, F.S.; eliminating a requirement that the Department of Corrections contract with the Department of Children and Family Services to provide certain mental health services; authorizing the Department of Corrections to contract with other entities or persons to provide mental health services to inmates; amending s. 945.42, F.S.; revising definitions and defining the term “crisis stabilization care”; amending s. 945.43, F.S.; revising the procedures for placing an inmate in a mental health treatment facility;

authorizing the court to waive the presence of the inmate at the hearing on the inmate’s placement; amending s. 945.44, F.S.; providing for the emergency placement of an inmate in a mental health treatment facility; amending s. 945.45, F.S.; revising the provisions governing the continued placement of an inmate in a mental health treatment facility; authorizing an administrative law judge to appoint a private pro bono attorney to represent an inmate in continued placement hearings; providing that the administrative law judge may waive the presence of the inmate at the hearing under certain conditions; amending s. 945.46, F.S.; authorizing the warden to initiate procedures for the involuntary examination of an inmate who has a mental illness and meets certain criteria; amending s. 945.47, F.S.; providing for the transfer of an inmate who is no longer in need of mental health treatment; deleting certain provisions governing involuntary placement; requiring that a summary of the inmate’s treatment be provided to the Parole Commission and the Department of Children and Family Services upon request; amending s. 945.48, F.S.; revising the procedure for the involuntary mental health treatment of an inmate; providing for the warden of the institution containing the mental health treatment facility to petition the circuit court for an order authorizing involuntary treatment; providing requirements for the hearing on involuntary treatment; limiting the period that an order authorizing involuntary treatment is effective; providing a procedure for emergency treatment; amending s. 945.49, F.S.; deleting a provision requiring that training provided to correctional officers employed by a mental health treatment facility be in accordance with the requirements of the Criminal Justice Standards and Training Commission; deleting a requirement that a specified number of administrative law judges be assigned to conduct hearings on continued placement of inmates; requiring that inmates receiving mental health treatment be subject to the same standards applied to other inmates in the department; providing an effective date.

—was referred to the Committees on Criminal Justice; Children, Families, and Elder Affairs; Judiciary; and Criminal and Civil Justice Appropriations.

ENROLLING REPORTS

CS for SB 34 has been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 25, 2008.

Faye W. Blanton, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 24 was corrected and approved.

CO-INTRODUCERS

Senators Bullard—CS for CS for SB 544, CS for SB 1706; Deutch—CS for CS for SB’s 1094 and 326; Dockery—CS for CS for SB 1732; Joyner—CS for SB 994

RECESS

On motion by Senator King, the Senate recessed at 12:11 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 3:00 p.m., Monday, April 28 or upon call of the President.